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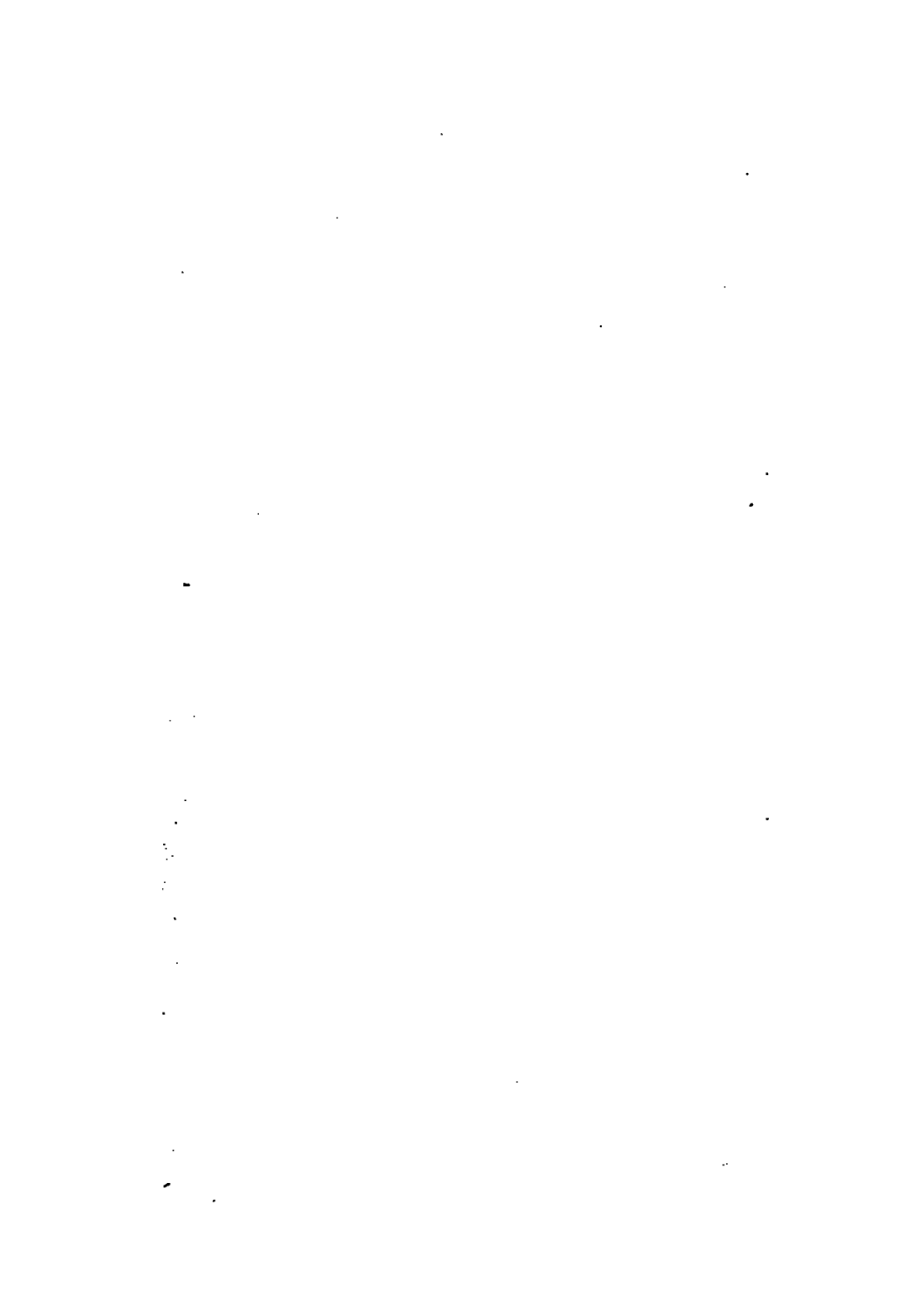


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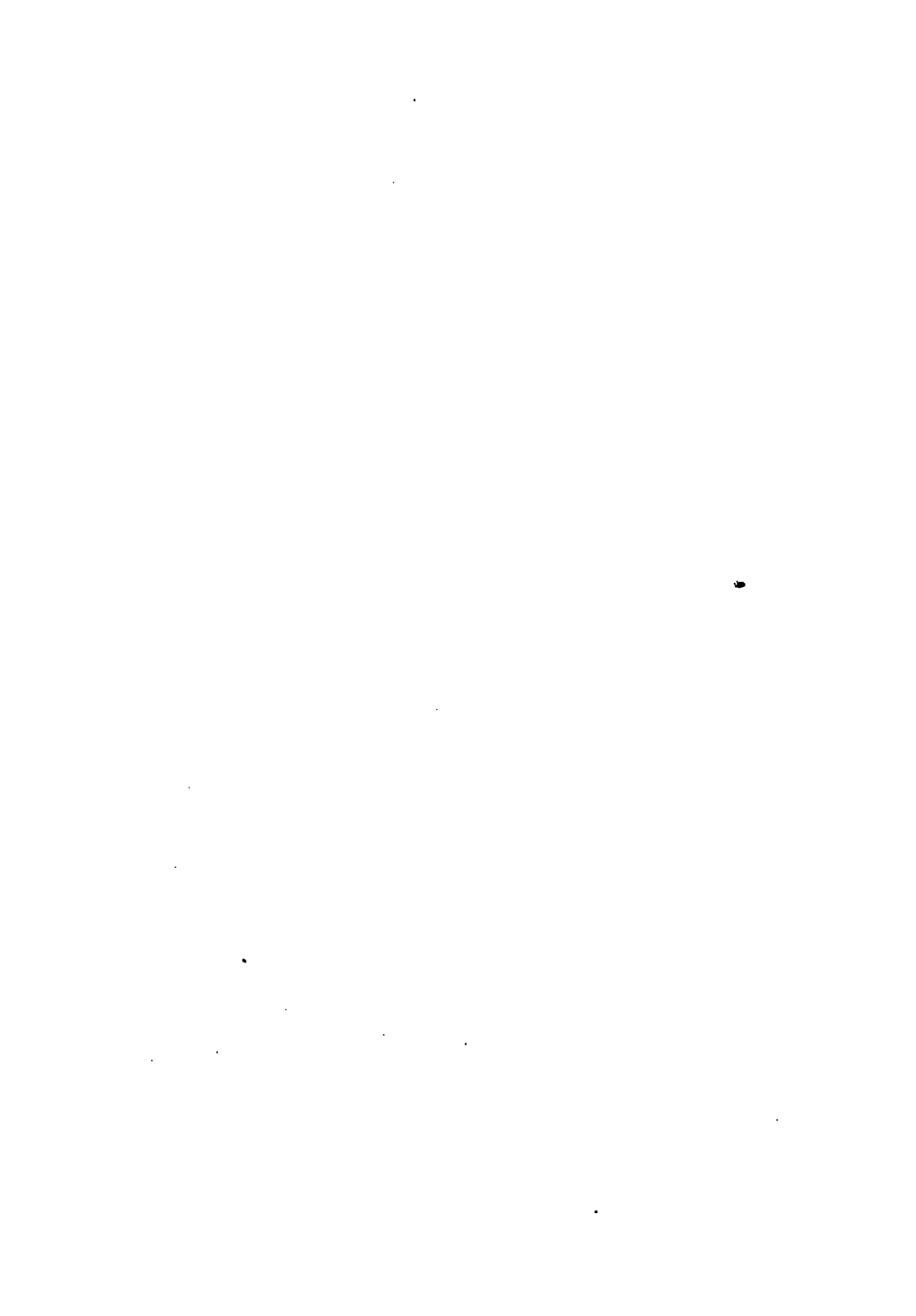
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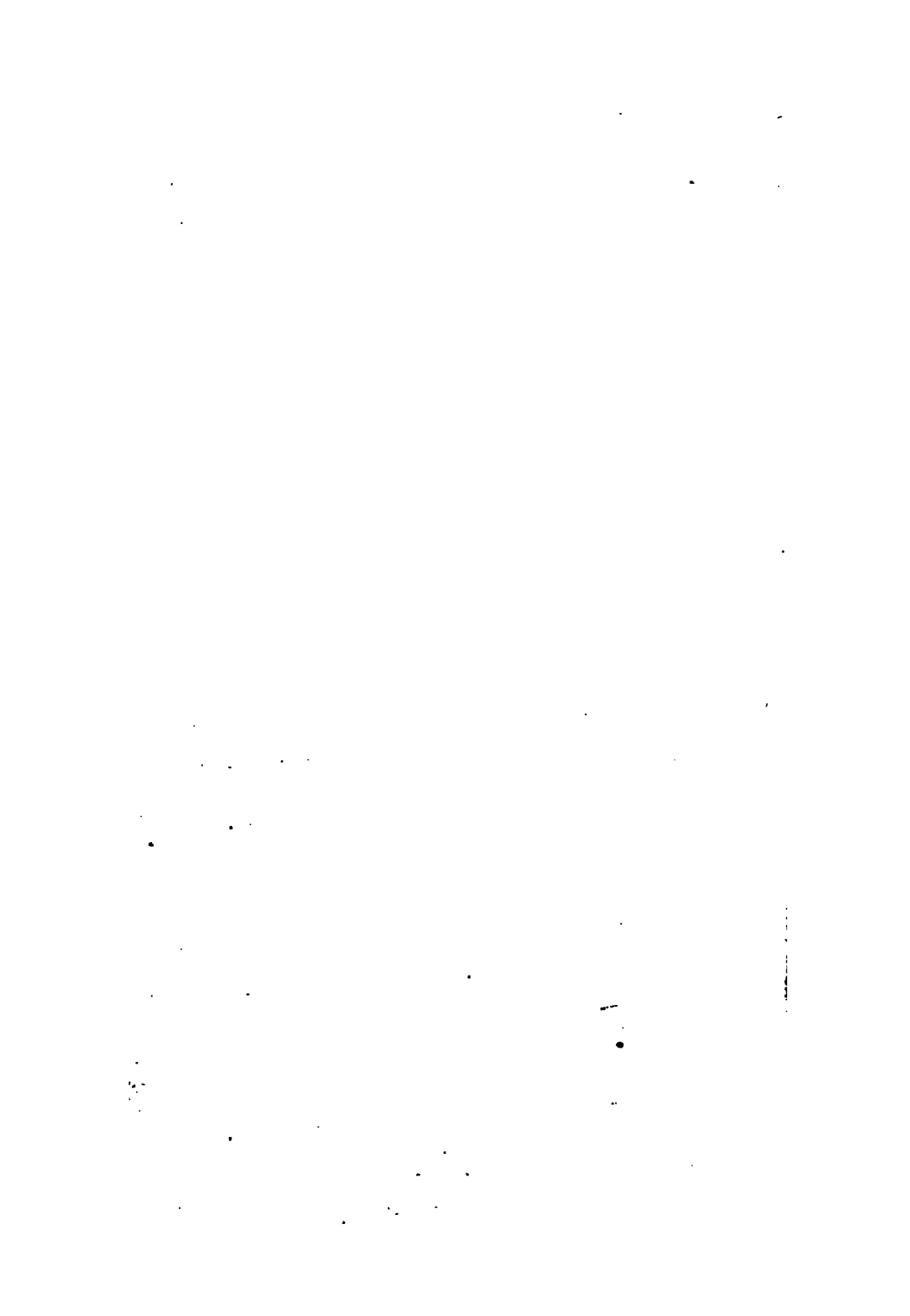
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*Hugh J. Dooley*

A COLLECTION  
OF THE  
POLITICAL WRITINGS  
OF  
WILLIAM LEGGETT,

SELECTED AND ARRANGED,  
WITH A PREFACE,  
BY  
THEODORE SEDGWICK, JR.

IN TWO VOLUMES.

VOL. I.

NEW-YORK:  
TAYLOR & DODD.

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1840.

ENTERED, according to Act of Congress, in the year 1839,  
BY W. C. BRYANT,  
In the Clerk's Office for the Southern District of New-York.



H. LUDWIG, PRINTER,  
72, Vesey-street, N. Y.

## P R E F A C E

IN preparing for the press a selection of the writings of WILLIAM LEGGETT it is proper to state the precise object which has been had in view. The wish of his friends is to re-publish such of his writings as will give a true picture of the mind and character of the man whom they so much lament; and in discharging the duty confided to me I have endeavoured faithfully to carry out this idea. To do this, however, it has not been thought necessary or desirable to revive and perpetuate the temporary controversies, in which the editor of a newspaper becomes almost inevitably entangled; and therefore, although many of the pieces of this class were, at the time they appeared, among those which attracted the most attention, they have, with few exceptions, been excluded from these volumes.

But beyond this I have omitted nothing on account of its peculiar character, and have re-published all those articles from the PLAINDEALER, and EVENING POST while under the management of Mr. Leggett, which will give the most vivid idea of the vigour of his style, the originality of his mind, and the force and independence of his character.

I have excluded nothing merely for the reason of its being contrary to the prevailing or popular opinion, and on the subject of Slavery I have inserted many articles which go far beyond the tone of either of the great political parties of this day.

It will not be supposed, however, that the Editor of this publication, or the friends who have sanctioned it, adhere to the views expressed upon all the controverted topics which these pages contain. Many of those most attached to Mr. Leggett, and most devoted to the leading doctrines of his political faith, were at the same time the most opposed to the course pursued by him on particular subjects. But I have not thought myself at liberty to omit any articles for this reason. The effect of suppression would be to give a very imperfect idea of the mind and character of Mr. Leggett; and to suppress them from any apprehension of injuring the sale or circulation of the work, would be a subserviency to popular prejudice, which the author, of all men, would have been the last to permit.

In this collection, therefore, I have endeavoured to embody such of his writings as will serve to convey a just idea of the ability and virtues of the author, and perhaps I may be permitted, in a few words, to point out those attributes of peculiar merit to which they may justly lay claim.

The intellect of Mr. Leggett was of a very high order. His education was originally, in matters of mere accomplishment, defective; but perhaps, in other respects, it could not have been better calculated to form the able and intrepid man, whose memory these pages are intended to perpetuate.

Nurtured in moderate circumstances, unspoiled and unpampered by the seductions of affluence, his life was one of widely diversified experience—first a woodsman in the wilds of the west—next wearing the uniform of the navy and breasting the waves under the constellation banner—soon the victim of a harsh if not tyrannical commander, he threw up his commission, because his complaints were denied a hearing—then exposed to grievous hardships and to all the temptations of a great commercial metropolis—last a leading partisan editor—all these chances and changes were well fitted to make a hardy, self-relying man—an intellectual athlete.

But it is not to this education that Mr. Leggett owed his vigorous eloquence—his copious style—his close logic—his eminent powers of generalization. These attributes incontestably distinguished him. His articles are often prolix, often perhaps defective in other respects of style ; but it must be reflected that there are no circumstances so unfavourable to composition as those under which an editor writes. The unavoidable haste—the eternal interruptions and distractions—the impossibility of concentrating the mind on the subject—the necessity of repetition—the want of time to condense ;—all these are sufficient reasons why the Press has in this country no higher literary character. But all these difficulties were, in a great degree, surmounted by him ; and when it is remembered that the greater part of his articles were composed in the back room of a printing-office, amid the din of the press and the conversation of political loungers, it will be, I am persuaded, thought remarkable that he overcame them to so great an extent. I do not mean to over-



rate the merit of his writings. I am aware that very great deduction is to be made for the excitement under which they were first read, when they were animated and quickened by a deep interest in the events with which they were connected—that great deduction is also to be made for the strong bias which a similarity of political sentiments creates ; but I am convinced that the admiration these writings excited is no delusion, no mere temporary feeling ; and that the reputation which Mr. Leggett attained, during his short career as an editor, could not have been acquired unless his writings had possessed merits of an abiding character. What, then, was that character ? What are the claims which these productions present to a permanent place in our literature ?

The foundation of his political system was an intense love of freedom. This, indeed, was the corner-stone of his intellect and his feelings. He absolutely adored the abstract idea of liberty, and he would tolerate no shackles on her limbs. Liberty in faith—liberty in government—liberty in trade—liberty of action every way,—these were his fundamental tenets—these the source alike of his excellencies and his defects.

His love of freedom made him the warm and constant advocate of universal suffrage. He ever looked coldly if not with positive disinclination upon the different laws proposed for registering voters ; he could not endure the idea of any impediment upon the liberty of the citizen, and he preferred the evils which resulted from a want of registry to those which he feared might follow from a system that should impose any restraint or qualification upon the right of suffrage.

In the same light he looked upon every effort to exclude foreigners from the polls. His love of liberty was far too catholic and comprehensive to be bounded by any line of language or birth, and he could never tolerate the hostility often expressed to the adoption of foreigners into our political family. As to freedom of trade, he was equally consistent. He from the first warred against the tariff, and a federal bank. He was the leader of those who raised the standard against the monopoly system of incorporated banks; and one of the first to insist upon the total disconnection of government from its fiscal agents. In like manner, he reprobated all the state inspection laws, and one of his last productions in the *Plaindealer* is that in which he advocates the idea of a free trade post office, or a system by which letters should be carried, as goods and passengers are now, by private establishments. In this respect the merits of his writings cannot be overrated; he must ever be remembered as one of the most able and consistent disciples of that school of commercial freedom which is destined ultimately to bind the whole civilized world in bonds of peace and amity—of that school of political science whose end and aim are to simplify and cheapen the operations of government.

His reading was extremely copious, and his style of the most vigorous and manly order. On the topics which excited him he poured forth a flood of reasoning or it might be of denunciation and invective which forced the mind irresistibly along and aroused the most sluggish intellect. His language often rises to a commanding eloquence, and is always earnest, impressive and powerful.

I have no desire or intention to pronounce a mere eulogy, an inconsiderate and sweeping panegyric. It would be I am convinced, the thing most repulsive to his own feelings. Mr. Leggett had unquestionably defects in his intellectual organization—he generalised too much—he pushed out his theories without a proper reference to the time and means necessary to perfect them, and to persuade their adoption—and what was a greater defect for one who desired to lead the public mind on matters of daily and hourly importance, he was not sufficiently practical, nor did he listen with sufficient attention to the suggestions of practical men. His views when most correct, were frequently urged with a vehemence and impetuosity which prevented their adoption, and he often in this way displeased and alienated moderate men of all parties.

To this, which might perhaps be termed an impracticability of conduct, are to be ascribed some singular inconsistencies of his views on various topics. He was an author and a consistent advocate of the right of property and of free trade. But he at all times opposed the introduction of an international copyright law. No one was a more zealous and unflinching enemy of mobs, but he with almost equal ardor opposed the passage of any law granting indemnity to their victims. He detested slavery in every shape, but he was totally hostile to any action of Congress on the question in the District of Columbia. This diminished his influence as a party leader, for which station indeed he was not fitted, except in periods of great excitement and violence.

He was certainly at times deficient in forbearance towards his opponents, and indulged in a violence of

language wholly unjustifiable. But in extenuation it is to be recollected that no writer connected with the press, was so unfairly and indeed indecently attacked as he was during the time when he had charge of the Evening Post. It must not be forgotten, that he was abused and calumniated in a manner almost unprecedented, even in the annals of the American press, and that his errors in this matter, were, to a great extent, errors of retaliation.

Nothing could form a greater contrast with the vehemence of his writings, than the mildness and courtesy of his social life. I have repeatedly witnessed the surprise of those who knew him only through the columns of his paper, when accident brought them personally in contact with him. No one more enjoyed the pleasures of society—no one allowed less of the bitterness of political controversy to infuse itself into his social relations. His naval education, and “the grave and wrinkled purposes of his life,” gave dignity to his manners, and he had a softness and delicacy in his character which the acrimony of political strife had no effect to diminish.

His style is often diffuse, and it may occasionally be charged with rhetorical extravagance, but to this a sufficient answer is perhaps to be found in the fact that these writings are newspaper articles ; written under the spur and excitement of the hour, and often with the intention and under the necessity of appealing quite as much to the passions as the judgment. It is an unhappy obligation, but one apparently imposed upon the conductors of the press, that they are compelled to arouse the public mind and stimulate it to action ; and this is often to be done solely by infusing into the

system, not the wholesome mental food of truth, but the powerful and dangerous excitants of invective and declamation.

Another and one of the highest attributes of the author of these works, was boldness—courage. He had no conception of what fear was; physically, morally and intellectually, he had no idea of the meaning of the term. No personal danger could appal him; no theory did he ever hesitate to adopt because it was scouted by the prevailing opinion, and no cause did he ever fail to espouse because it was destitute of friends. When the mobs first attacked the abolitionists in the city of New-York, he had not made the subject of slavery one of very particular consideration, but he was the earliest to denounce the popular violence, and to call upon the municipal government to suppress it by the most vigorous and effective weapons. The same course he pursued in regard to the Bank. The vehemence of his attacks upon that institution brought him into direct and frequent collision with members of the mercantile classes, but never was he deterred from this path by any apprehension of injury to his interests. The course pursued by the paper (the Evening Post,) during the crisis of 1833 and 1834, was extremely injurious to the pecuniary affairs of that journal which had previously, by its opposition to the tariff, made itself to some extent a favourite of the commercial community.

This same courage taking what is perhaps the higher shape of fortitude, showed itself in a manner equally remarkable in his private life. Amid the reverses of fortune, when harrassed by pecuniary embarrassments—during the tortures of a disease which

tore away his life piece-meal, he ever maintained the same manly and unaltered front—the same cheerfulness of disposition—the same dignity of conduct. No humiliating solicitation—no weak complaint for a moment escaped him.

But the intellectual character of Mr. Leggett, marked as it was, was far inferior in excellence to his moral attributes. It is to these he owes the respect and affection in which his memory is held—it is to these that the influence his pen acquired during his life is chiefly attributable.

At the same time it should be said that it is difficult to distinguish between his intellect and his character. They both derived force and support from each other, and it is not easy to draw any dividing line. There is nothing of that incongruity which history exhibits in some of the greatest men upon her page, where extraordinary mental power has been unsupported by moral energy.

His great desire on all the questions which agitated the country appeared to be the attainment and establishment of *truth*. The vehemence of his temperament and the force of his original impressions often had an obscuring tendency upon his mind. But against these he was forever striving. No one familiar with him but must have perceived the progress his mind was continually making, and the manly independence with which, when once convinced of an error, he denounced and cast it off.

Truth was his first love and his last—the affection of his life. His most favourite work was, I think, Milton's *Areopagitica*, and the magnificent description of Truth which it contains was constantly on his lips.

Equally remarkable with this, was his superiority to all selfish considerations. He was doubtless sometimes misled by his passions and his prejudices—never by his interest. No personal considerations could weigh with him a moment, when set in opposition to what his deliberate judgment convinced him was the cause of truth. Nothing can more satisfactorily prove this than his conduct on the abolition question. The first time that this matter distinctly presented itself, was in the summer of the year 1835. The administration was then in its palmiest days. The contested elections of 1834 had terminated successfully. The attack of the President upon the Bank, had been sustained by the state of New-York, and to appearance the government had established itself in an impregnable position. At this time Mr. Leggett was the sole conductor of the Evening Post, the leading, if not the only administration organ in the city of New-York. He had edited that journal during the warmest part of the conflict, and on every ground he had a right to demand and expect the support of the party in power.

At that moment Mr. Kendall, one of the most prominent members of the government, issued his well-known letters to the postmasters at Charleston and New-York, in which he justified, to a certain extent, the conduct of those officers who had stopped the mails containing what he termed, the “incendiary, inflammatory and insurrectionary” manifestoes of the abolitionists.

That party at this time, was a small and unpopular sect. It is always painful to utter a syllable detracting from the merit of persons unques-

tionably animated by the impulse of a high moral principle—more especially of men combating with the baleful institution of slavery. But the truth should at all times have precedence. Wisdom of conduct is as necessary as integrity of purpose. The unpopularity of the abolitionists was not wholly without cause. They had done injury to the progressive cause of freedom, by a violence of denunciation which the good sense of the country pronounced unjust and dangerous. Their proposed measures were not sufficiently distinct to be intelligible to the people; and their leading organs had not manifested a proper deference either for the great charter of the union or for that spirit of concession and harmony upon which our political existence depends, and which forms the corner-stone of the Constitution itself. It is however with the fact that we are here principally concerned. But a few months before, they had been the victims of mob-law in New-York, and they were pre-eminently unpopular with the commercial classes of the north, whose interests had taken the alarm, and who had enrolled under the dark banner of the detestable institution. Thus disliked by their immediate neighbours, they were absolutely abhorrent to the people of the South. They in fact stood alone, a small and uninfluential sect, professing ultra and impracticable doctrines, without power or support. In this matter of the post-office law, they stood unsustained, except by justice and freedom.

But this was enough for Mr. Leggett—that an unjust and unconstitutional power was attempted to be exerted against them was enough for him. Contrary to the urgent solicitations of many of his personal



friends—against the vehement representations of most of his political supporters, and particularly in contempt of all consideration of interest, he declared war against the doctrines of the administration. He grappled, without fear or hesitation, with the Postmaster General himself, and in terms of eloquent reprobation denounced and derided this new censorship of the press. This conduct can be ascribed to no cause whatever but his love of truth and his utter superiority to sordid motives; and from the moment he adopted his line of proceeding, he steadfastly persevered in it. No considerations moved him. The administration organ of the state denounced him. The mouth-piece of the government excluded him from the party pale, but these things he heeded no more than the blasts of the winds: or if they produced any effect at all, it was to arouse him to a more vehement and more unsparing opposition of the measures of the government. So far as individuals and motives were concerned, he may have been carried too far by the violence of his temperament; but we can scarce pay sufficient honour to the boldness, the independence and the integrity of his conduct.

This same line of action he pursued until he was prostrated by illness in the fall of 1835; and obliged to abandon the Evening Post.

He established the Plaindealer in the fall of 1836. The first number was published in December of that year, and the last in September, 1837.

It is in this periodical that his best pieces are to be found; and it is from this that I have comparatively made the largest selections.

The paper was established originally as a demo-

cratic paper; but the boldest attacks upon the course pursued by the government towards the abolitionists are to be found in its columns. While at the same time, there is no more vigorous support of the Sub-Treasury scheme than its pages contain.

His mind was too sagacious not to perceive that the adoption of this measure must inevitably lead to the great desideratum of American legislation—an *ad valorem* tariff, and a revenue reduced to the actual expenses of the government.

In connection with the subject of Abolition, I have reprinted his article upon Mr. Van Buren's Message of 1836; not that I think it just, but because it is one of the most conclusive proofs of Mr. Leggett's independence. Abolition of slavery, in the District of Columbia, is envisioned by difficulty, and the President should not have been charged with a want of courage or honesty, without more conclusive proof than the Message itself afforded. I have also republished this article for another reason; to which, in giving increased publicity and permanence to so severe an invective against the President, it is right to call the attention of the reader. There is no better evidence of the superiority of Mr. Van Buren to personal resentment, and it furnishes indeed the strongest argument in favour of the chief magistrate on the subject of the paper in question. He could scarcely within two years have appointed Mr. Leggett to the Guatemala mission, at a time, too, when that gentleman, broken down by illness, was without influence or power, unless he had been conscious that the attack was unfounded. It is impossible that newspaper articles can be always correct. The merit of Mr. Leggett's writings is that they were always *honest*.

The Plaindealer also contains some articles on a subject which must ultimately engage the attention of the American people—that of direct taxation. Mr. Leggett has ably put forth the leading arguments in favour of this, the only fair, uniform, and democratic mode of raising funds for the support of the government. It is not one of the least proofs of his far-sighted views, and the enlarged and philosophical tone of his legislative theories.

Such is a very brief sketch of the character of the author of the writings contained in these volumes. It is necessarily imperfect. The reader has the opportunity of completing or correcting it from his own observation. No man's personal qualities were ever more deeply impressed upon his works.

The death of Mr. Leggett is deplored with a regret that arises as well from public as private considerations. We grieve for the loss of an accomplished man of warm attachments, ardently devoted to his friends, and ready to make any sacrifice for them. But if possible we still more deeply lament the death of an eloquent and independent politician, thoroughly imbued with the cardinal principles of Liberty—of one with no superior, and scarcely a rival in his vocation, who, whatever his faults, had merits that a thousandfold redeemed them; his richly stored intellect—his vigorous eloquence—his earnest devotion to truth—his incapability of fear—his superiority to all selfish views, are forever embalmed in our memory.

Most especially do his friends deplore the time and circumstances of his death. Life appeared to be opening brightly, and the clouds which had hung around him seemed on the point of dispersing.

Every year was softening his prejudices and calming his passions. Every year was enlarging his charities and widening the bounds of his liberality. Had a more genial clime invigorated his constitution, and enabled him to return to his labours, a brilliant and honourable future might have certainly been predicted of him. He would not have left a name only as the conductor of a periodical press—he would not merely have left these transient and fleeting memorials of his ability and rectitude. It is not the suggestion of a too fond affection, but the voice of a calm judgment which declares that whatever public career he had pursued he must have raised to his memory an imperishable monument, and that as no name is now dearer to his friends, so few could then have been more honourably associated with the history of his country than that of WILLIAM LEGGETT.

1. The first step is to identify the problem or question that needs to be answered.

2. The second step is to gather relevant information and data.

3. The third step is to analyze the information and data.

4. The fourth step is to develop a solution or answer.

5. The fifth step is to implement the solution or answer.

6. The sixth step is to evaluate the results of the solution or answer.

7. The seventh step is to communicate the results of the solution or answer.

8. The eighth step is to monitor the results of the solution or answer.

9. The ninth step is to revise the solution or answer if necessary.

10. The tenth step is to conclude the process.

11. The eleventh step is to document the results of the solution or answer.

12. The twelfth step is to share the results of the solution or answer.

13. The thirteenth step is to reflect on the process.

14. The fourteenth step is to learn from the experience.

15. The fifteenth step is to apply the lessons learned to future problems.

16. The sixteenth step is to continue to improve the process.

17. The seventeenth step is to maintain the results of the solution or answer.

18. The eighteenth step is to ensure the sustainability of the solution or answer.

19. The nineteenth step is to evaluate the overall impact of the solution or answer.

20. The twentieth step is to celebrate the success of the solution or answer.

A COLLECTION  
OF THE  
POLITICAL WRITINGS  
OF  
WILLIAM LEGGETT.

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BANK OF UNITED STATES.

[*From the Evening Post, March, 1834.*]

In answer to the many objections which are urged with great force of argument against the United States Bank, and against any great national institution of a similar character, there is little put forth in its defence, beyond mere naked allegation. One of the assertions, however, which seems to be most relied upon by the advocates of the Bank, is that it has exercised a most beneficial power in *regulating the currency of the country*. Indeed, the power which it was supposed it would possess to regulate the currency, furnished one of the chief grounds of the support yielded to the original proposition to establish a United States Bank, and the same topic has occupied a prominent place in every subsequent discussion of the Bank question in Congress. It is maintained, in favour of the present institution, that it not merely possesses that power, but that it has exerted in it the most prudent and salutary manner. This is made

the theme of many high-wrought panegyrics. It is triumphantly put forth by the journals in the interest of the Bank; it drops from the lips of every Bank declaimer at political meetings, and is asserted and re-asserted by all the orators and editors of the Bank party, with a confidence which should belong only to truth. Many persons, indeed, who are strongly opposed to the United States Bank on moral grounds; who view with dismay its prodigious means of corruption; and shudder with abhorrence at the free and audacious use it has made of those means; yet accede to it the praise of having at least answered one great purpose of its creation—namely, the regulation of the currency of the United States.

It is to be feared that men in general have not very precise notions of what constitutes a regulation of the currency. If the meaning of this phrase is to be limited to the mere sustaining of the credit of the Bank at such a point, that its notes shall always stand at the par value of silver, then indeed must it be admitted that the United States Bank has, for the greater part of the time performed its functions in that respect. Yet no praise is to be accorded to it on that score; since such an effect must naturally and almost inevitably flow from the self-imposed obligation on the government to receive its notes at their nominal amount, at all places, in payment of debts due to the United States. There is not a bank in the country, accredited and endorsed by the Government to an equal extent, that would not as certainly maintain its paper on a par with the precious metals. Indeed, most of the well-conducted institutions in the Atlantic cities, without the advantage of such countenance from the Government, have preserved their paper in equal credit; or, in other words, have been equally successful in regulating the currency, so far as the term implies the affording of a convertible paper substitute for money, which shall

pass from hand to hand as the full equivalent of silver coin. The doing of this certainly constitutes an important branch of the regulation of the currency; but there is another and more important branch, and in this the United States Bank has totally and most signally failed.

What is regulating the currency? It is the furnishing of a medium of circulation, either metallic or convertible at par, equal in amount to the real business of the country, as measured by the amount of its exports and the amount of actual capital employed in commercial business. It is the furnishing of that amount of circulation, which is actually absorbed by the commercial transactions of the country—by those transactions which rest on the basis of the exchange continually going on of the commodities of one country for those of another. When bank issues are limited within this circle, the notes of the bank in circulation are founded on the security of the notes of merchants in possession of the bank, and the notes of the merchants rest on the basis of goods actually purchased, which are finally to be paid for with the products of the soil or other articles of export. The maintaining of the circulation at this point would, in the strict and proper sense of the word, be regulating the currency. It would be supplying the channels of business to the degree requisite to facilitate the operations of commerce, without causing those operations to be unduly extended at one time, and unduly contracted at another. It would be causing the stream of credit to glide in an equal and uniform current, never stagnating, and never overflowing its boundaries.

When bank circulation exceeds this measure, an inevitable derangement of the currency takes place. The par of value between the paper representatives of money and money itself may still be maintained; but prices are



raised, and raised unequally, and the dollar no longer accurately performs its office as a measure of value. The effects of the expansion of the currency are first seen in the rise of the prices of foreign fabrics. This leads to excessive importation on the part of the competitors anxious to avail themselves of the advance. Goods are purchased from abroad to a much larger amount than the exports of the country will liquidate, and a balance of debt is thus created. The payment of this balance drains the country of specie. The bank, finding its paper return upon it in demand for coin, is obliged suddenly, in self-defence, to curtail its issues. The consequence of this curtailment is a fall of prices. Those who had ordered goods in expectation of deriving the advantage of the high prices, are obliged to sell at a sacrifice, and are fortunate if they can dispose of their commodities at all. Those who had been deluded, by the fatal facility of getting bank favours, into extending themselves beyond the limits of that fair and prudent credit to which their actual capital entitled them, must necessarily be unable to meet the shock of a sudden withdrawal of the quicksand basis on which their business rested, and are thus compelled to become bankrupts. A state of general calamity succeeds—most severe in the commercial cities, and measured in all places by a rule of inverse ratio to the excess of the preceding apparent prosperity. These sudden expansions and contractions of the currency have happened too frequently in this country, and have been followed by effects of too disastrous a nature, for any reader to be ignorant of them.

Has the United States Bank never caused distress of this kind? Has it never caused the amount of circulating medium to fluctuate? Has it never stimulated business into unhealthy activity at one time, and withheld its proper aliment at another? Has it never poured

out a sudden flood of paper money, causing the wheels of commerce to revolve with harmful rapidity, and then as suddenly withdrawn the supply, till the channels were empty, and every branch of business languished throughout the land? There are few of our readers who cannot, of their own knowledge, answer these questions in the affirmative.

For the two or three years preceding the extensive and heavy calamities of 1819, the United States Bank, instead of regulating the currency, poured out its issues at such a lavish rate that trade and speculation were excited in a preternatural manner. But the inevitable consequences of over issues did not fail to happen in that case: A large balance of debt was created in Europe, and to pay that debt our metallic medium was sent away from the country. The land was soon nearly exhausted of specie, and still the debt remained unliquidated. The bank, in order to bring business to an equipoise again, exchanged a part of its funded debt for specie in Europe; and purchased a large amount of coin in the West Indies and other places. But it still continued to make loans to a larger degree than the actual business of the country, as measured by the amount of its exports, required; and its purchase was therefore a most ineffectual and childish scheme. It was but dragging a supply of water with much toil and expense, from the lake of the valley, to the summit of an eminence, in the vain hope that, discharged there, it would continue on the height and not rush down the declivity, to mix again with the waters of the lake. The specie, purchased at high rates in foreign countries, was no sooner brought to our own, and lodged in the vaults of the bank, than it was immediately drawn thence again, by the necessity of redeeming the notes which poured in upon it in a constant stream in demand for silver. In one year, 1818, upwards of fifteen

millions of dollars were exported from the country, and still the debts incurred by the mad spirit of overtrading were not liquidated. The bank itself was now on the very verge of bankruptcy. At the close of its business on the 12th of April, 1819, the whole amount of money in its vaults was only 71,522 dollars, and it at the same time owed to the city banks a clear balance of 196,418 dollars, or an excess over its means of payment of nearly 125,000 dollars. A depreciation of its credit was one of the consequences which had flowed from this state of things, and the notes of the United States Bank—the boasted institution which claims to have regulated the currency of this country—*fell ten per cent. below the par value of silver.*

But the greatest evil was yet behind. The Bank was at length compelled, by the situation in which the rashness of its managers had involved it, to commence a rapid curtailment of discounts. An immediate reduction took place of two millions in Philadelphia, two millions in Baltimore, nearly a million in Richmond, and half a million in Norfolk. This sudden withdrawal of the means of business was, of itself, a heavy calamity to those cities; but the system of curtailment was persevered in, until the foundation of a great part of the commercial transactions of the United States, and of the speculations in land, in internal improvement, and other adventures, which the facility of getting money had induced men to hazard, was withdrawn, and the whole fabric fell to the ground, burying beneath vast numbers of unfortunate persons, and scattering ruin and dismay throughout the Union.

The same scenes, only to a greater extent, and with more deplorable circumstances, were acted over in 1825. There are few inhabitants of this city who can have forgotten the extensive failures, both of individuals and

corporate institutions, which marked that period. There are many yet pining in comfortless poverty whose distress was brought upon them by the revulsions of that disastrous year—many who were suddenly cast down from affluence to want—many who saw their all slip from their grasp and melt away, who had thought that they held it by securities as firm as the eternal hills.

But not to dwell upon events the recollection of which time may have begun to efface from many minds, let us but cast a glance at the manner in which the United States Bank *regulated the currency* in 1830, when, in the short period of a twelvemonth it extended its *accommodations* from forty to seventy millions of dollars. This enormous expansion, entirely uncalled for by any peculiar circumstance in the business condition of the country, was followed by the invariable consequences of an inflation of the currency. Goods and stocks rose, speculation was excited, a great number of extensive enterprises were undertaken, canals were laid out, rail-roads projected, and the whole business of the country was stimulated into unnatural and unsalutary activity. The necessary result of the spirit of speculation thus awakened was the purchase of more goods abroad than the commodities of the country would pay for. Hence vast sums of specie soon began to leave the United States; scarcely a packet ship sailed from our wharves that did not carry out to England and France a large sum of money in gold and silver; and it is estimated that in 1831–32 the specie drawn from the country did not fall short of twenty millions of dollars. The Bank of the United States, failing to accomplish the bad design for which it had thus flooded the country with its paper, now began to try the effects of a contrary system, and resorted to coercion.

A reduction of its issues must inevitably have taken place in the nature of things, nor could all the means and all the credit of the Bank have removed the evil day to a very distant period. But it had it completely within its power to effect its curtailment by easy degrees, and to bring back business into its proper channels by operations that would have been attended with little general distress. But this was no part of its plan. Its object was to wring from the sufferings of the people their assent to the perpetuation of its existence. Its curtailments were therefore rapid and sudden, and so managed as to throw the greater part of the burden on those commercial places where there was the greatest need of lenity and forbearance. The distress and dismay thus occasioned, were aggravated by the rumours and inventions of hired presses, instructed to increase the panic by all the means in their power. Of the deplorable effects produced by this course, the traces are yet too recent to require that we should enter into any particulars.

The Bank has not yet exhausted its full power of mischief. Since its creation to the present hour, instead of regulating the currency, it has caused a continual fluctuation; but it is capable of doing greater injury than it has yet effected. It is perfectly within its power to cause a variation of prices to the extent of twenty-five per cent. every ninety days, by alternate expansions and contractions of its issues. It is in its power, in the short period that is yet to elapse before its charter-expires, so to embarrass the currency, so to limit the amount of circulating medium, so to impair commercial confidence, and shake the entire basis of mercantile credit, as to produce throughout the whole land a scene of the most poignant pecuniary distress—a scene compared with which the dark days of 1819 and 1825, and those through which

we have just passed, shall seem bright and prosperous. And there are indications that the Bank will do this. There are signs and portents in the heavens which tell of a coming tempest. There are omens which foreshow that this mighty and wicked corporation means to use to the uttermost its whole machinery of coercion, to wring from the groaning land a hard contest to the renewal of its existence. We trust the People will bear stiffly up under the infliction. We trust they will breast the storm with determined spirits. We trust they will endure the torture, without yielding to a measure which would destroy the best interests of their country, and make them and their children slaves forever.

Regulation of the currency ! What a claim to set up for the United States Bank ! It has done the very reverse : it has destroyed the equal flow and steady worth of the currency : it has broken up the measure of value : it has kept the circulating medium in a state of continual fluctuation, making the dollar to-day worth a dollar and a half, and to-morrow not worth a half a dollar. Besides the three great periods of sudden excess and rapid curtailment, its whole career has been one series of experiments, more or less general, of inflation and exhaustion of the currency. And this is the institution, which now comes forward, and claims to be re-chartered, on the ground of having well performed the great offices for which it was created. It has failed in *all* its great ends. In its chief purpose, as a fiscal agent and assistant of the Government, one on which it might at all times securely rely, it has wholly failed. We have seen it interfering in the national politics, and endeavouring to rule the suffrages of the people, first by bribery and afterwards by compulsion. We have seen it place itself in open defiance to the Executive, and rank him in its official

papers, with counterfeiters and robbers. We have seen it endeavouring to thwart the measures of his administration ; collude with foreign creditors of the Government to defeat the avowed objects of the Treasury ; refuse to give up the national funds at the commands of the competent authority ; and finally turn a committee of congress with contumely from its doors, in violation of its charter, and in violation of every obligation of morality and every principle of public decency. This is the institution which now comes forward for a re-charter. If the people grant it they will deserve to wear its chains !

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### RIOT AT THE CHATHAM-STREET CHAPEL.

[*From the Evening Post of July 8, 1834.*]

The morning papers contain accounts of a riot at Chatham-street chapel last evening, between a party of whites and a party of blacks. The story is told in the morning journals in very inflammatory language, and the whole blame is cast upon the negroes ; yet it seems to us, from those very statements themselves, that, as usual, there was fault on both sides, and more especially on that of the whites. It seems to us, also, that those who are opposed to the absurd and mad schemes of the immediate abolitionists, use means against that scheme which are neither just nor politic. We have noticed a great many tirades of late, in certain prints, the object of which appeared to be to excite the public mind to strong hostility to the negroes generally, and to the devisers of the immediate emancipation plan, and not merely to the particular measure reprehended. This community is

too apt to run into excitements ; and those who are now trying to get up an excitement against the negroes will have much to answer for, should their efforts be successful to the extent which some recent circumstances afford ground to apprehend. It is the duty of the press to discriminate ; to oppose objectionable measures, but not to arouse popular fury against men ; to repress, not to stimulate passion. Reason—calm, temperate reason—may do much to shorten the date of the new form in which fanaticism has recently sprung up among us ; but persecution will inevitably have the effect of prolonging its existence and adding to its strength.

The riot at the Chatham-street chapel seems to have grown out of the following circumstances. The New-York Sacred Music Society have a lease of the chapel for Monday and Thursday evenings throughout the year. Some person, in behalf of the blacks, had obtained from the Secretary of the Music Society permission to occupy the chapel last evening. The blacks thereupon issued printed notices of their intended meeting, which it is said was called for the purpose of celebrating the postponed festival of the Fourth of July. In pursuance of this notice they met and commenced their exercises. Certain members of the Music Society also arrived, not knowing the disposition which had been made of the chapel ; but being informed of the circumstances, agreed to postpone the purpose with which they had themselves assembled. Their number, however, being soon augmented by the arrival of other persons, they reversed their first peaceable and proper resolution, and concluded upon insisting that possession of the chapel should be given to them. The blacks, in the meanwhile, had prayed, sung a hymn, and had commenced reading the Declaration of Independence. They did not seem disposed,



at that stage of the proceedings, to break up their meeting and retire from the chapel. One of their number rose and requested them to do so, but others called on the meeting to keep their seats. The Sacred Music Society then took forcible possession of the pulpit, and thereupon a general battle commenced, which seems to have been waged with considerable violence on both sides, and resulted in the usual number of broken heads and benches.

We have made up the foregoing statement wholly from the one-sided account of the *Courier and Enquirer*, the most inflammatory and unfair paper in the city on what relates to negroes, as on all other subjects. We have simply taken its facts, without their gloss; and we think readers of candid and temperate minds will perceive that the blame of this disgraceful transaction lies more with the white persons concerned in it, than with their coloured antagonists. Permission had been duly obtained to use the chapel on this occasion; and if it had not been, application should have been made to the civil authorities to expel the occupants. If there was any deception or concealment practised by Mr. Tappan in procuring permission to use the chapel, as is alleged, he made himself obnoxious to censure; but that circumstance furnished no warrant to eject the blacks by force of arms. That it was very wrong in them, and more particularly in the fanatical white persons who are leading them on, to meet there at all, for the purpose contemplated, or for any purpose, no one can deny, for it was obviously provoking a riot. That the whole scheme of immediate emancipation, and of promiscuous intermarriage of the two races, is preposterous, and revolting alike to common sense and common decency, we shall be ever ready, on all occasions, to maintain. Still, this furnishes no justi-

fication for invading the undoubted rights of the blacks, or violating the public peace; and we think, from the showing of those who mean to establish the direct contrary, that ~~these~~ were both done by the Sacred Music Society.

We are aware that we are taking the unpopular side of this question; but satisfied that it is the just one, we are not to be deterred by any such consideration. Certain prints have laboured very hard to get up an anti-negro excitement, and their efforts have in some degree been successful. It should be borne in mind, however, that fanaticism may be shown on both sides of the controversy; and they will do the most to promote the real interests of their country, and of the black people themselves, who will be guided in the matter by the dictates of reason and strict justice. The plans of the Colonization Society are rational and practicable; those of the enthusiasts who advocate immediate and unconditional emancipation wholly wild and visionary. To influence the minds of the blacks, then, in favour of the first, we must have recourse to temperate argument and authentic facts. Whatever is calculated to inflame their minds, prepares them to listen to the frantic ravings of those who preach the latter notions.

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### ABOLITION RIOTS.

[*From the Evening Post, July 11, 1834.*]

It is most earnestly to be hoped that the civil authorities will be prepared to act with all their strength, together with that of the military, if it should be necessary, to put down, this night, in the most effectual manner, any further attempt to make this city a scene of disgraceful

riot and tumult. A mad spirit has gone abroad among our populace—a spirit excited in part, no doubt, by the proceedings and inflammatory publications of the Abolitionists, as they are called; but even in a greater measure by the violent tirades of certain prints opposed to the Abolitionists.

\* \* \* \* \*

Strongly as we are opposed to the doctrines and to the measures of the Abolitionists, both to those of the association, and those of a wilder and more deeply fanatical cast which are advocated in their journals, and in anonymous handbills and pamphlets, yet even greater is our opposition to all attempts to overthrow those doctrines by a resort to brute unauthorized force. Yet such force has been almost in terms appealed to, time and again, by the journal we have named, and bad as the conduct of the Abolitionists is, it has been represented in highly exaggerated colours, in order more strongly to inflame the public indignation against them.

Even now that these mobs have occurred, and their proceedings been characterized by a degree of lawless violence highly disgraceful to the city, the press, with two or three exceptions, has not the wisdom and independence to speak out boldly and energetically, and tell these rioters how madly they are acting. That a mob, composed more than half of boys, of wild, daring, undisciplined boys—and a very large proportion of the other moiety made up of the very dregs of society — that this mob, so composed, and actuated by no common sentiment or object, further than the mere love of disorder — should be treated as expressing the sentiments, and wreaking the vengeance of this great and moral community, is an insult on the character of the city. A mob attacking and

destroying the private dwellings of citizens, and not stayed even at the threshold of the church, but with sacrilegious fury assailing even such an edifice, though held in respect by the common sentiment of mankind — such a mob ought to be treated with no honeyed words, but all good citizens ought to lend their assistance to maintain the supremacy of the laws, and put down this insurrectionary spirit.

No reader can for a moment suppose that we approve or would countenance in any degree the schemes of the Abolitionists. We have expressed repeatedly our deep abhorrence of a portion of their views, and our conviction that other portions are wholly visionary and impracticable. Even if their notions on the subject of abolition were proper in themselves, their conduct in attempting to propagate these notions is such that to ascribe it to fanaticism is the most charitable construction. But even these enthusiasts, while they transgress no law, are under the protection of the laws, and he who without legal warrant invades their houses and destroys their property, if he does it from any other motive than virtuous resentment against error, is an incendiary and robber; and if actuated by that feeling, is himself an example of fanaticism, though of an opposite kind. There are legitimate ways of expressing public opinion far more efficacious, as well as far more respectable, than a mob can ever be. We may call public meetings, and pass temperate but firm resolutions; we may expose through the press the absurdity and impracticability of the views of those who have been the objects of assault in this case; we may keep a vigilant eye upon them, and procure them to be indicted and visited with legal punishment whenever their proceedings become obnoxious to the law. But till then they are entitled to all the privileges and immuni-

ties of American citizens, and have a right to be protected in their persons and property against all assailants whatsoever. We trust that the authorities will this night show that this right is not a mere mockery ; we trust that the rioters will be dealt with in a way that may long ensure the quiet of the city, if they dare again congregate to carry their incendiary purposes into further execution.

In making these remarks, we do not wish to be understood as intimating that there has been any remissness on the part of the civil authorities during the previous nights. On the contrary, last night in particular, they were exceedingly active, and took their measures with great promptitude and discretion. But it was evident that the disorders were far more extensive than had been anticipated, and the force under the direction of the Mayor was therefore not sufficient for the simultaneous protection of all the different points where the riot was expected to show itself.

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### ABOLITION RIOTS.

[*From the Evening Post, July 12, 1834.*]

The details which are published below, from the Journal of Commerce and the Daily Advertiser of this morning, are already on their way to every quarter of the country, to inform the whole people of the United States of the additional and deplorable blot which the events of last night have stamped on the character of this city. The fury of demons seems to have entered into the breasts of our misguided populace. Like those ferocious animals which, having once tasted blood, are seized with an

insatiable thirst for gore, they have had an appetite awakened for outrage, which nothing but the most extensive and indiscriminate destruction seems capable of appeasing. The cabin of the poor negro, and the temples dedicated to the service of the living God, are alike the objects of their blind fury. The rights of private and public property, the obligations of law, the authority of its ministers, and even the power of the military, are all equally spurned by these audacious sons of riot and disorder. What will be the next mark of their licentious wrath it is impossible to conjecture.

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This night the trial is to be once again made whether the public authorities or a lawless mob are to be masters of the city; whether a motley assemblage of infuriated and besotted ruffians, animated with a hellish spirit, are to destroy and slay at the promptings of their wild passions and prejudices; or whether the true sentiments of this great community are to have their due preponderance. We accord to the city magistrates all the praise which their conduct hitherto deserves. But at the same time we must take leave to advise them, in the most serious manner, no longer to forbear resorting to stronger measures, to such measures as it is now evident can alone effectually quell the insurrectionary and destroying spirit which the proceedings of the Abolitionists, the indiscreet comments of certain prints, and most especially the seditious and inflammatory advice of that journal of whose tone and temper a specimen is given above, have aroused.\* We call upon them not again to repeat the

\* The extract here referred to is omitted for the reason stated in the Preface, that it is not the intention of this publication to re-

idle pageant of a military procession ; not to add to the confidence of the rioters by an empty, ineffectual display of unused weapons. Let them be fired upon, if they dare collect together again to prosecute their nefarious designs. Let those who make the first movement towards sedition be shot down like dogs—and thus teach to their infatuated followers a lesson which no milder course seems sufficient to inculcate. This is no time for expostulation or remonstrance. Forbearance towards these rioters is cruelty towards the orderly and peaceable part of the community. Let us act with such promptness and decision now as to ensure that there will be no repetition of such outrages in time to come. Let us restore the dignity of the violated law. Let us not pause to parley when the foe is at the gate. Let us be brief when traitors brave the field. We would recommend that the whole military force of the city be called out ; that large detachments be stationed wherever any ground exists to anticipate tumultuary movements ; that smaller bodies patrol the streets in every part of the city, and that the troops be directed to fire upon the first disorderly assemblage that refuses to disperse at the bidding of lawful authority. This will restore peace and quietness to the city, and nothing short of this will do so.

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vive the temporary controversies of the time when these articles were written.

## ANTI-SLAVERY ASSOCIATION.

[From the *Evening Post*, July 22, 1834.]

It will be seen by the report of the proceedings of the Board of Aldermen last evening, published in another column, that the communication of the Executive Committee of the Anti-Slavery Association was treated with great contempt by that body. As the communication has been inserted, as an advertisement, in nearly all the newspapers, the public generally are probably pretty well apprized of its contents. It is a perfectly respectful document, prepared with the purpose of showing that the association above named had transcended none of those rights which are guaranteed to its members, in common with all their fellow-citizens, by the Constitution of the United States; and that the objects of the society are not incompatible with the duties of its members as citizens under the existing institutions of this country.

With all due respect for the motives which actuated the Board of Aldermen in unanimously refusing to entertain this document, we must take the liberty to say that we think they did not act wisely in casting it out. An occasion was presented them for the expression of a calm and temperate opinion on the conduct of the abolitionists, as it affects the peace and order of society, which, properly embraced, might have been productive of much good, both on the minds of the enthusiasts in the cause of negro emancipation, and those, more especially, of the community at large. We would not have the Common Council throw itself in as a disputant in the fierce and inflammatory discussion which has already engaged so many fiery antagonists; but we should have been glad to see it treat the subject as a legislative body—as a body of municipal magistrates, charged with the framing and the enforcing of the laws. We



should have been glad if this letter of Arthur Tappan and his associates had been referred to a discreet and intelligent committee, to the end that they might draw up a report, not controverting the abstract notions of the abolitionists on the subject of the emancipation and equal rights of the blacks, but proving by mild and judicious arguments, that even if the end they aim at is in itself proper, the time is ill chosen, and the means employed calculated, not merely to defeat their object, but to plunge the negroes into a far worse condition than that which they are now taught by their deluded guides to repine at.

The report might further have shown, that, even allowing the time to be well chosen for the work, and the means adapted to the end, they pursue a radically erroneous course in addressing their doctrines to the negroes themselves, whom they thus render discontented and wretched, but whose condition they cannot meliorate. To effect their object the minds of the whites must be convinced of its propriety; and all discourses addressed to the blacks meanwhile, to show them the degradation of their situation, and their natural right to an equal footing with the race of white men, must inevitably tend, at the best, to make them unhappy, and may lead to scenes of outrage which the mind shudders to contemplate.

In a report such as we are supposing, the committee might also have taken occasion to speak words of salutary counsel to those classes of the community most likely to be stirred up to acts of violence by the fanatical conduct of the abolitionists. They might have shown them that any insurrectionary movement, instead of effecting the object desired, would, by an invariable law of human nature, be followed by a very contrary result. They might have shown, that persecution is the very fuel that feeds the fire of fanaticism; that such men as the abolitionists are but fixed more firmly in their faith by the op-

position that seeks to prostrate them ; that like the waves of the ocean, which swell from billows into mountains as the gale rages against them, their spirits but rise the higher when assailed by a storm of popular fury, nor subside again till the tempest is overpast. Fanaticism has ever flourished most exuberantly in the most intolerant countries; nor are there many minds in this community so ignorant of the history of nations as not to know, that, whether in religion or politics, enthusiasm gains strength and numbers the more its dogmas are opposed. The effort to put down the Roman Catholic religion by persecution has been tried, and with what result? The attempt to destroy the heresy, as it was deemed, of the Covenanters in Scotland, by hunting down its professors, was also thoroughly tried; but though the devoted peasantry were driven to caves and dens, and forced to subsist on the roots of the earth, the storm of religious persecution, instead of extinguishing, only fanned the fire of zeal into a fiercer flame.

These are views which, if the Common Council had embraced the opportunity of the letter of Arthur Tappan and his associates to put them before the community, in a report drawn up with ability and judgment, might, we think, have been productive of very considerable good. The Anti-Slavery Society, as the reader probably remarked, after stating that nothing had occurred to change their views on those subjects in relation to which they are associated, declare their determination not "to recant or relinquish any principle or measure they have adopted," but on the contrary, avow their readiness "to live and die" by the principles they have espoused. In this—however mistaken, however mad, we may consider their opinions in relation to the blacks—what honest, independent mind can blame them? Where is the man so poor of soul, so white-livered, so base, that he

would do less, in relation to any important doctrine in which he religiously believed? Where is the man who would have his tenets drubbed into him by the clubs of ruffians, or would hold his conscience at the dictation of a mob?

There is no man in this community more sincerely and strongly opposed to the views and proceedings of the abolitionists than this journal is, and always has been. Our opposition was commenced long before that of those prints which now utter the most intemperate declamation on the subject, nor have we omitted to express it on any proper occasion since. But in doing this temperately, in employing argument and reasoning, instead of calling on the populace "to arm and strike a blow for liberty"—instead of painting disgusting portraits of the "blubber lips and sooty blood of negroes"—we think we are more effectually advancing the desired end, than we possibly could, by the most furious and inflammatory appeals to the angry passions of the multitude. Indeed, one of the reasons why we lamented the late violations of public order and private right, was, that the effect of such outrages would be to increase, instead of abating, the zeal of abolition fanaticism, and warm many minds perhaps, which were before only moderately inclined to those doctrines, to a pitch of intemperate ardour. The wildest fancies that ever entered into a disordered brain are adopted as truths when he who utters them meets with unreasonable persecution; while, if unnoticed, or noticed only by the proper tribunals, they make no harmful impression, even on the mind of credulity itself. "The lightning hallows where it falls," and so the bolt of persecution, in the eyes of thousands, sanctifies what it strikes.

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## SMALL NOTE CIRCULATION.

[*From the Evening Post of August 6, 1834.*]

Now that *real* money has come into circulation—now that the country is plentifully supplied with gold and silver—we trust the friends of a sound currency will take pains, and adopt all proper measures, to banish small notes from use. We call upon every man who professes to be animated with the principles of the democracy, to assist in accomplishing the great work of redeeming this country from the curse of our bad bank system. We never shall be a truly free and happy people while subject, as we now are, to Bank domination. No system could possibly be devised more certainly fatal to the great principle on which our government rests—the glorious principle of equal rights—than the Banking system, as it exists in this country. It is hostile to every received axiom of political economy, it is hostile to morals, and hostile to freedom. Its direct and inevitable tendency is to create artificial inequalities and distinctions in society; to increase the wealth of the rich, and render more abject and oppressive the poverty of the poor. It fosters a spirit of speculation, destructive of love of country—a spirit which substitutes an idol of gold for that better object which patriotism worships—a spirit which paralyzes all the ardent and generous impulses of our nature, and creates, instead, a sordid and rapacious desire of gain, to minister to the insatiable cravings of which becomes the sole aim of existence.

We do not expect and do not desire to overthrow our pernicious Banking system suddenly. We would not, if we could, do aught to infringe the chartered privileges of Banks already existing. Were they ten times worse in their effects than they are, we would not justify a

breach of the public faith to get rid of the evil. But we desire most ardently that it may not be permitted to spread more widely. The legislatures may at least say, "Thus far shalt thou go and no further; here shall thy proud waves be stayed." They may refuse to grant any more charters of incorporation, and may take effectual measures to prohibit the small note issues. These measures constitute the proper first step in the great reformation for which we contend, and these measures the democracy of the country—if we do not strangely misinterpret their sentiments—will demand.

But in the meanwhile, the means are within the reach of the people themselves to do much—very much—towards the accomplishment of the desired object. Let employers provide themselves with gold to pay their hands; and let the hands of those employers who continue in the practice, which has been too extensive, of procuring uncurrent money to pay them, take such measures to remedy the evil as are within their reach, and not inconsistent with prudence. The practice is wholly unjustifiable, and stands, in a moral point of view, on a footing not very different from that of clipping coins. The law, however, which we all know is not always framed in the most perfect accordance with the principles of ethics, makes this important difference, that while to the one species of dishonesty it extends full protection, the other it visits with the most ignominious punishment. But though protected by the law, workmen may do much to rid themselves of the evils of this practice, and at the same time forward the great object of democracy—ultimate emancipation from the shackles of a detestable Bank tyranny. Let them remember, when paid in small uncurrent notes, that the longer they retain possession of those notes the greater is the profit of the Bank that issued them, and therefore let them take the

best means within their reach of causing them to be returned to the Bank. Every dollar-note in circulation has displaced an equal amount of gold and silver, and, on the other hand, every dollar of gold and silver you keep in circulation, will displace twice or three times its amount in paper money.

Paper money is fingered by a great many hands, as may be easily perceived from the soiled and worn appearance of many of the bills. A cheap, and, to a certain extent, most effectual method of disseminating the principles of those opposed to incorporated rag-money manufactories, would be for them to write upon the back of every bank-note which should come into their possession, some short sentence expressive of their sentiments. For example—"No Monopolies!" "No Union of Banks and State!" "Jackson and Hard Money!" "Gold before Rags!" and the like. When it should become their duty to *endorse* a bill issued by a Bank, the charter of which was obtained by bribery and collusion, (as many such there be) it would be well to inscribe upon it in a clear and distinct hand, "*Wages of Iniquity!*"

What we have here recommended may seem to be but child's play; but we are satisfied that if the workingmen, upon whom the worst trash of Bank rags are palmed off, would only adopt such a practice, and persist in it for a short time, they would see the good result. The worst class of uncurrent notes would soon be plentifully endorsed, for it is the worst description of money which is generally *bought* to pay away to mechanics, in order that their employers may avoid paying them as large a proportion as possible of their just wages. Let them consider the hints thrown out in this article, and they can hardly fail, we think, to perceive, that if generally acted upon, they would have an important effect in assisting the introduction of gold as a currency, in the place of

the small note circulation of which there is so much reason to complain.

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### RESOLUTIONS OF THE DEMOCRATIC REPUBLICAN COMMITTEE.

[From the *Evening Post*, August 12, 1834.]

Two advertisements, one from "the Democratic Republican Young Men's Committee," signed by MORGAN L. SMITH as Chairman, and the other from "the Democratic Republican General Committee," signed by ELDAD HOLMES, have been published regularly in the *Times*, the first articles in its columns, for the last eight or ten days past. These advertisements purport to be the proceedings of the Committees, at a meeting held by each on the evening of the fourth of this month. They each consist of three resolutions; both sets of resolutions have, *pari passu*, a corresponding object, and are expressed in language of great similarity; and both, we presume, may be ascribed to the same paternity. Being thus, as it were, twin-brothers, we shall save space by copying only the set that stands first, which will sufficiently acquaint the reader with the ground of the remarks we are about to offer. They are as follows:

"At a regular meeting of the Democratic Republican Young Men's Committee, held at Tammany Hall, on the evening of the 4th instant, the following resolutions were unanimously adopted:

"Resolved, That this Committee highly approve the political course of '*The New-York Times*,' a paper recently established, for the independent and fearless course it has pursued in support of the Democratic Republican principles of the present administration, and that we therefore confidently recommend it to the confi-

dence and patronage of our Democratic Republican friends.

“Resolved, That the New-York Evening Post, the Truth Teller, and the other democratic papers, having been consistent and able labourers in the cause of Republican principles, are entitled to the continued confidence and support of this Committee.

“Resolved, That the above resolutions be printed in the Democratic Republican papers, and signed by the Chairman and Secretaries.”

We certainly can have no objection that either of the General Committees, or both, should express their approbation of the course of the Times, *for its course*, or that they should *confidently* recommend it to *confidence* and patronage. There is nothing in this recommendation, except its tautology, at which any one has a right to feel offended. The Times is a new paper, was set up under peculiar circumstances, and may stand in need of such an endorsement. Its course has, certainly, so far, been as exactly and carefully squared by party rules as the most thorough-going party-man could desire, and it was therefore but reasonable that the Committees should be called together, and requested confidently to express their confidence in that print. If they had stopped there not one word of dissatisfaction should they have heard from us.

But so far as the EVENING POST is made to figure in these resolutions, we must confess we are not exactly pleased. We have never presented ourselves, cap in hand, to either of the Committees, to beg their most sweet voices ; we have never asked their aid, or their endorsement in any way or shape ; and do not feel that our dignity or importance is increased now that it is voluntarily bestowed. For years we have maintained, with industry and zeal, the principles of democracy ; we have



been forward to engage in every contest in which we considered the rights or interests of the people were put to hazard ; we have been strenuous in asserting the great doctrine of equal rights ; we have utterly shut our eyes and turned a deaf ear to considerations of private interest ; we have hesitated not to speak in terms of severest truth to our misled and misdoing merchants, although they were the chief supporters of our journal ; we have been vigilant and active in season, and out of season ; and now, verily, we at last have our reward !—to be put at the fag-end of a resolution got up to glorify the Times !—a paper of yesterday ! a print which has all the gloss of newness yet upon it ; which, however sound in its doctrines, and firm in its principles, bears no marks of fight, can show no scars, has made no sacrifices.

We repeat, we have no objection that the Democratic Committee should glorify that paper, and recommend it to “patronage,” (a most undemocratic word, by the way,) we have no objection they should laud its course,—(we also are gratified with its general tone and management,)—we have no objection that they should nod their heads in approbation, and thus give “the stamp of fate and signal of a god.” But we do object to being ourselves lugged in to fill up the cry—we do object to being put in the same category with the Truth Teller and *all the other democratic papers*. It is a fortunate thing for us, by the way, that the Democratic Chronicle happened to expire a few days before this ovation to the Times, or the Evening Post might have found itself placed side by side with that disgusting dealer in filth and personalities, as an equally worthy champion in the same republican cause.

We do most sincerely and urgently request the two Committees that they will hereafter let us alone. This is a request they can scarcely refuse to grant, since it is

the first we ever made of them. We request that, hereafter, when any one interested in a new paper, wishes them to stand its sponsors, that the Evening Post may not be required to swing the censer, or bear any other subaltern part in the ceremonial. As for their "patronage," or that of any other body, or individual, we never asked it, and never shall. The democrats who like our course will probably continue to take our paper, notwithstanding the unkind cut of the Committees in thus thrusting us into the train of the Times. And as for the Committees' own, direct "patronage," (which means advertising to the amount of some forty or fifty dollars a year,) they are at liberty, nay, they are desired to withdraw it, whenever they think they do not get their money's worth. It is on this footing that we wish to stand with all our subscribers and advertisers. We desire no man's "patronage," and no man's business, who does not receive from us a full and fair equivalent for all he renders.

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#### REPLY TO THE "TIMES."

[*From the Evening Post, August 13, 1834.*]

The Times of this morning incorrectly represents the ground of the Evening Post's complaint against the two Committees which were called together a fortnight ago to endorse that paper. We assure the Times that we feel not the slightest jealousy towards it, nor do we in the least envy its good fortune in receiving a stamp of approbation from the two Democratic Committees. We hope that endorsement may effect the end which was intended, for while the Times continues its endeavours to forward the republican cause we shall be glad to see it sustained. We expressed yesterday our approbation of its general

tone and management ; and so far from wishing to supplant it in the affections of the general Committee, or of the Young Men's Committee, we only complained that the Evening Post, with *all the other democratic papers*, was lugged in to divide honours which we were quite willing should be conferred on the Times alone.

As to which is the leading paper, that is a question we are quite content to submit to the readers of the several journals, not thinking the matter by any means settled by the precedence given to the Times in the resolutions it refers to. It perhaps deserves that precedence ; but though we do not claim to be a better soldier, we certainly are an older soldier than the Times, and bear some marks of the service we have passed through. Thus, for our course in support of the interests of the democratic party and in defence of the great principle of Equal Rights, we lost last year *several hundred mercantile subscribers*—and this is the first time we have ever breathed a syllable on the subject. Did we waver in our faith, did we falter in our struggle, did we slacken in our energy, when the merchants were running about, from counting-room to counting-room, and beseeching their brother merchants to stop the Evening Post ? — when men who had taken our paper for thirty years, wrote us insolent notes, commanding its discontinuance ?—when such persons as ———— exerted themselves with might and main, to induce our subscribers to forsake us and take the Evening Star instead ? — and when the news of a discontinuance was received in Wall-street with half-frantic cheers ? Did we not, all the while, pursue the forward tenor of our way with unabated zeal, exposing the true nature of the conflict which the Rich were waging against the Poor—the Aristocracy against the Democracy ? Did we utter a complaint ? Did we ask the General Committee, or the Young Men's Committee, or

any other Committee, or any person, for assistance ? Did we not stand on our own resources, and look alone to the final triumph of truth for our reward ?

We ask the Times, then, if we have not a right to complain, when we find ourselves thrust in at the tail of a proceeding got up to do honour and service to it ? We have fought the battle of the Democracy for years, and were never made the subject of a special endorsement by the two Committees which have countersigned the Times. That troubled us not—we asked not their stamp—we desired it not. Nor does it trouble us that their stamp is now impressed upon the Times. That paper is welcome to the distinction, and we hope it may answer the end to give it greater currency. But that, to consummate its apotheosis, we should be mixed up in a batch with the Truth Teller and *all* the other democratic papers, and thrown in as a make-weight, is certainly a mark of “continued confidence and respect,” of a very sinister description, to say the least of it.

Let it not be supposed that we mean aught we have here said to express disparagement of the Truth Teller, of the merits of which spirited and zealous weekly journal we are fully sensible. The Truth Teller itself has a right to complain of being kneaded into a common lump with a parcel of nameless prints — no one may say how many nor of what character. But if the Truth Teller, which is a weekly paper, and devoted but in part to American politics, has a right to feel displeased, how much more so have we, that for a long series of years have bent our undivided energies to one object, the promotion of the fundamental principles of the Republican party ? But we do not complain ; we confine our animadversions to a single request — that the Committees will hereafter let us alone, to pursue our own course, in our own way, and not drag us, against our will, to serve as

torch-bearers or train-holders in any triumphant procession in honour of any new object of their glorification. If we cannot recommend ourselves to the democracy, we do not wish the Committees to do it for us. And as to being harnessed to the triumphal car of the Times, it is a piece of service we do not affect—we are somewhat restive, and might throw the train into confusion by kicking out of the traces.

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### THE PRESIDENTIAL CONTEST.

[*From the Evening Post of August 19, 1834.*]

The duties of our situation oblige us to study with more attention than mere taste might incline us to do, the indications of public sentiment and public policy, as furnished by the course and tone of political journals, and the proceedings of political meetings. From the survey we have taken of the movements of the opposition party, for the last few months, it seems to us quite evident that they are laying a scheme to cheat the people out of the election of President. They seem to act on a principle of settled distrust of the intelligence and patriotism of the great body of the people, and to have laid their plans to carry their object in defiance of the wishes of a majority. For this purpose, it is their present aim to bring together, and combine into one body, all the materials of opposition, however dissimilar and heterogeneous, with a view to return to the next Congress as many members as possible opposed to the present administration, no matter how contrariant and irreconcilable their respective grounds of opposition.

This object accomplished, their next step will be, not by mutual compromise and conciliation to name some candidate for the President on whom all the diversified

sects of their composite party might unite; for they are sensible that such harmony of action is impossible, and that they are not more hostile to the present administration than they are to each other; but for each faction to set up its own candidate, and support him in his own particular district of country, in the hope that the sum of the votes thus scattered among the various chiefs of the opposition may be sufficient to defeat an election by the people, and carry the question into the House of Representatives. Should the question be between the candidate of the democracy, and any single candidate the opposition might name, they are well aware that the choice of the democratic party would be ratified by a very large majority of votes. They will therefore seek to distract the public mind by a multiplicity of candidates, to take the election out of the hands of the people, and submit it to a body where each state has only an equal voice, and where experience has shown that collusion and intrigue may obtain a decision in direct opposition to the clearly expressed will of the great body of the people of the United States.

That this is the game which the various united factions that compose the opposition intend to play off there can be no manner of doubt. It is a corrupt scheme, because it is devised with a manifest intention and desire of preventing a fair expression of the popular will; and the preliminary steps are corrupt, because in the industrious and almost incredible efforts which the combined parties of the opposition are now making to elect members to Congress opposed to the administration, great pains are taken to conceal from the people the ultimate object which they have in view. For this purpose the war is waged simply on the broad ground of hostility to the Executive and to Martin Van Buren. No definite principles of action or of public policy are avowed; be-

cause there are none on which this amalgamated body of political antipathies could agree. No name of a successor is breathed ; because the utterance of such a name would dissolve the unholy spell which binds them together before the great end of the ill-assorted union is achieved. It is therefore opposition to the administration which they alone venture to declare as their motive of action, and to this motive they attempt to give a colour of patriotism by the iteration of certain sounding and illusory phrases, the ready resort of political knaves and demagogues in all countries and all ages of the world.

Among the catchwords on which they seem most to rely for success, are the shouts which they are forever bawling in our ears, of "Constitution and Laws !" and "Principles, not men !" As to their pretended veneration for the Constitution and Laws, it accords well with a party whose only hopes of success rest on the issue of a deliberate fraud upon the People ! We say a fraud upon the People—and what can be a more positive and flagitious fraud, than this combination of political sects, as opposite as day and night in their doctrines and views, acting together, not with a view to establish any common and definite course of policy for the administration of the General Government, but simply for the preliminary purpose of pulling down a Chief Magistrate who enjoys the confidence and affections of the People—each leader of those opposite factions inwardly trusting to his own skill in the arts of collusion, intrigue, and corruption, to win over the partizans of the others in the House of Representatives, and thus secure the Presidential succession to himself ?

When the country beholds the leaders of the most contradictory and irreconcilable political doctrines that were ever entertained under our confederacy leaguings together for a common purpose of hostility to the domi-

nant party, and all joining with equal lustiness in the cry of *Constitution and Laws!* even Charity herself would whisper that their conduct and motives ought to be scrutinized with vigilantly inquiring eyes. Is it the leader of the sect which professes the nullification heresy whose fears are aroused for the safety of the Constitution and Laws? What! he who but a few months ago raised the standard of revolt, advised the South to spurn with contempt the revenue laws of the country, and to resist their enforcement to the death! What! he who talked of sundering the Union, of establishing a separate republic, and of shooting down like beasts that perish any such of his fellow-countrymen as, in pursuance of the orders of Government, should cross the borders of South Carolina to enforce the violated laws! Is he now one of the chief leaders of the opposition party against the Executive, on the ground of an invasion of the Constitution and Laws? A fit minister of vengeance for such an offence! Fellow-countrymen, watch him well!

Hand in hand with him, the next one of the league who attracts our notice is connected with reminiscences of a very different nature. In him we behold the author of that gigantic scheme of injustice and oppression, the object of which was to build up a manufacturing aristocracy, and enrich them out of the earnings of the hardy sons of commerce; that scheme, which under the sounding pretence of holding out protection to American industry, was intended to strengthen the General Government at the expense of the States, and to lay the foundation of an enormous and profligate system of public expenditure which would have resulted, at no distant day, in the total overthrow of the liberties of the American people; that scheme which was devised to advance his own ambitious views, in defiance of the provisions of the Constitution, and of the rights and interests of the South;



and the palpable injustice and cruel oppression of which led the Nullifier with whom he is now joined in a pretended fraternal embrace to those traitorous measures which, but for the inflexible patriotism and energy of our Chief Magistrate, would have eventuated in the dissolution of our inestimable union. He also is a fit one now to wage war against the administration on the ground of its violation of the "Constitution and Laws."

A third one in this unholy league has ever been distinguished by his opposition to the equal rights of the people, and to the fundamental principles of the democratic party. In him we behold a man in whom hostility to democracy is the only principle which he has never forsaken—a man who opposed with all his energy the measures of the Government when at war with Great Britain; who rejoiced in the victories of the enemy; who at one time was the opponent, and then the advocate, of the United States Bank; at one time a declaimer against the American System, and then its fast friend. This is the third member of the triumvirate of political rivals who join in proclaiming as their watchword and battle-cry, the *Constitution and Laws*!

Among the vague and ambiguous sentiments by which they profess to be governed, is the stale and unmeaning phrase, of "*Principles not Men.*" This is one of those juggling maxims with which sordid and selfish politicians have ever attempted to cheat mankind. It has an honest and taking sound, but is utterly without substance, a mere jingle of words, *vox et præterea nihil*. Not much discernment is requisite to detect the fallacy and emptiness of this dishonest invention of unprincipled demagogues; for surely any man must perceive that principles without men, are little better than men without principles. Do they mean to elect their principles to office? Do they mean to have us governed by abstractions? by

a body of ethics? by a set of precepts? or will they, like every other party, be sooner or later obliged to hold forward some *man*, as the person who is governed by their principles, and who, if chosen, will carry them into exercise? This wretched sophistry of "*principles not men*," has been used, all the world over, as a cloak for political knavery—as a convenient shelter for those to fight behind, who had no principles at all, and who were endeavouring to elevate men so notoriously unworthy, that prudence forbade their being named. "It is an advantage to all narrow wisdom and narrow morals," says Burke, "that their maxims have a plausible air, and, on a cursory view, appear equal to first principles. They are light and portable. They are as current as copper coin; and about as valuable. They serve equally the first capacities and the lowest; and they are at least as useful to the worst men as the best. Of this stamp is the cant of *Not men but measures*; a sort of charm by which many people get loose from every honourable engagement." If the opposition party, or the "Whig party," as they prefer to call themselves, are one—one in their political doctrines and political objects—let them avow what their doctrines and objects are; let them name the person whom they desire to elevate that he may carry them into effect; let us see what are their principles and who are their men. "Unqualified and uncompromising hostility to Martin Van Buren," is but half a motive. Pulling down is but a moiety of the work they have to achieve; they must build up, also; and the People are curious to see what sort of a mixed and composite administration they propose to create out of the various materials of which their heterogeneous party is composed.

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SMALL NOTES AND THE STATE BANKING  
SYSTEM.

[*From the Evening Post, August 26, 1834.*]

Every day adds to the number of the indications, which any man not blind must perceive, that the great body of the democracy of this state are radically opposed to the Banking System, as it exists in this country, and are determined to insist that their representatives in the legislature shall take the first great step towards a reformation, by prohibiting the issue of small notes. The Albany Argus has at last taken a decided stand on this subject, and we notice with great pleasure that several sound and influential country journals have likewise expressed themselves in favour of the prohibition, in manly and explicit terms. The Poughkeepsie Telegraph has the following sensible paragraph on the subject. [*Here follows extract.*]

The Albany Argus of last Saturday quotes the foregoing paragraph, with a remark, that it is "happy to perceive that the question of restricting the issue of bank notes of the smaller denominations is beginning to receive the notice of the republican press, as well as of the people in their primary meetings," and it avows its "full concurrence, both in the general expression, and in the extent of the restriction."

So far, so well. One step further, however, is demanded, both by the sentiments of a very large portion of the democracy, and by a due regard to the political principles on which the democratic party is founded. The Bank system is an insidious enemy of democracy. It is an essentially aristocratic institution. It has stolen upon us like a thief in the night. It has sprung up among us, before the people were aware of its true nature and its rapid growth. Either the Bank system, which, in other words, is an odious system of exclusive privileges, must

be put down, or the days of democracy are numbered. We wish not this to be done by any sudden or violent means ; but we look upon it as the bounden duty of all who really entertain republican sentiments ; who would really grieve to see this country lapsing into aristocracy ; who really desire to preserve the great and fundamental principle to the democratic party—the glorious principle of Equal Rights ;—we look upon it as the bounden duty of all such to oppose, by all proper means, our most pernicious system of banking — a system which has grown up in this country so rapidly, and has acquired such formidable power, that we already present the degrading spectacle of a people professing to be self-governed, and yet completely held, in many respects, in the vile fetters of a host of exclusively privileged money monopolies.

We say, therefore, that one step further than the mere restriction of small bank-notes is necessary. The sentiment ought to be distinctly avowed that *no new bank charters shall be granted, and no existing charters extended, either in duration or amount.* Let the legislators be chosen with a full understanding that this is the wish of the people. Let them be told that they are to truck or bargain away no more exclusive money privileges, for any political or pecuniary consideration whatever, or for any other purpose, real or pretended. Let them understand, moreover, that these steps are but the beginning of a system of measures which will be steadily persevered in by the democracy, until every vestige of monopoly has disappeared from the land, and until banking — as most other occupations are now, and as all ought to be—is left open to the free competition of all who choose to enter into that pursuit.

We have already too many banks, viewing the subject without reference to the question of exclusive privileges. We have too many banks, merely considering them as

instruments to supply a circulating medium. The banks which already exist cannot possibly do a profitable business, except by fostering a harmful, demoralizing spirit of overtrading and speculation. There is no good reason why a single additional charter should be granted, or why the capital of any bank should be enlarged. We therefore hope that the democracy, throughout the state, will be careful to let their sentiments on this interesting and important subject be fully and clearly expressed. In this city, we would in a particular manner call upon the people to give free and emphatic utterance to their wishes.

For our own part, this journal long ago voluntarily declared it would support no candidate for the legislature who is not understood to be unequivocally opposed to the granting of any new bank charter, or to the extending of any new one. This, and the determination to prohibit the issue of notes of a less denomination than five dollars, constitute a qualification, without which no candidate shall receive our support. The people have groaned and sweated under Bank tyranny long enough. It is time that they should rise in their strength, and assert their right to be freed from the petty yet galling despotism of money incorporations.

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### THE ELECTION.

[*From the Evening Post, Sept. 24, 1834.*]

The more we reflect on the recommendation of the Bank party at the meeting at Masonic Hall to the merchants of this city, to close their stores during the election, the more we are struck with the probable, nay almost certain consequences of such a rash and malignant procedure. Not that we apprehend any results injurious to

our cause, or to those by whom it is supported. The hard hands, sturdy limbs, and honest hearts of the democracy of this city, are fully adequate to the defence of their sacred right of suffrage. Other considerations, therefore, have impelled, and will still impel us, to raise our voice against this second attempt to throw our city into confusion ; to frighten our peaceable citizens into the innermost sanctuary of their dwellings ; to invite to riot and bloodshed ; and to bring disgrace on the name, the practices, and the principles of free government.

Hitherto, and until resort was had to this new expedient of letting loose upon the peaceful voters of this city, a host of mad-headed young men and half-grown men, for the purpose of marching out of their own peculiar wards into those where they had no business to go, for the purpose of surrounding the polls and insulting the democratic voters—until that pernicious example was set by the pretended supporters of order and decency, the elections of this country were the boast of our people, and the admiration of foreigners. Contrasted with the riots, the battles, and the broken heads of the English polls, they exhibited to the world the example of a decorous and peaceful struggle for power, honourable to the nation, and doubly honourable to the spirit of liberty. They afforded a full and unanswerable refutation of the vain assumption of aristocratic pride, that disorder and licentiousness will ever accompany a general diffusion of the right of suffrage, and deprived the enemies of freedom of their last argument against the equal rights of the people.

Hence, one of the great objects of the Bank party in adopting the measure which is the subject of these remarks, undoubtedly is, to goad on the young men and boys who are in a state of dependence, to provoke the people to acts of violence, by every means in their power, and then to proclaim to the world that these acts of just

resentment are the boiling effervescences of the turbulent spirit of democracy. They intend to draw new arguments against equal rights and universal suffrage, from the consequences that may result from their own mad, malignant measures, and to charge the honest, industrious, upright, independent voters of this city with all the odium of acts forced upon them in their own defence. Such was the course they pursued during the last, such the course they are about pursuing in the coming election. In the former of these occasions, by the instrumentality of that dexterity in falsehood and misrepresentation which seems to be the main pillar of their principles and their practices, they metamorphosed the breakers of the peace into the conservators of the peace, and converted an attack on the property of the state, into a defence of the rights and property of the citizens. By the same adroitness at legerdemain, they will without doubt attempt to make the world believe, that a similar course of conduct on a future occasion resulted from the same disinterested regard to the public welfare, and the peace of the city.

If such is not the secret motive of this letting slip the dogs of war upon us, to what other motive shall we ascribe a measure so fraught with consequences such as they without doubt anticipate? Cannot these youngsters come quietly, one by one, and give in their votes, if they are entitled by age and residence, and go about their business when they have done so, like the rest of their fellow-citizens? To what purpose throng about the polls, day after day, except to impede others, insult their feelings, and provoke them to retaliation? Do they expect to gain any votes by this course of conduct? Certainly not. Their object is to prevent others from voting; to pry into the ballots of such tradesmen, mechanics, and labourers, as may be in the employment of the lordly

master they themselves serve, and denounce them for future proscription, and finally, in the last resort, to invite the sturdy democracy to resent their impertinent interference.

But whatever may be the motives and the expectations of these "friends of order and decency," we earnestly hope, though we can scarcely in reason expect, they will be signally disappointed. We hope the manly and sedate democracy of our city, conscious of its superior strength, virtue, and independence, will content itself with laughing to scorn these puny insects, that come to buzz their impertinencies in their ears, and in the stern yet temperate spirit of utter contempt, treat them as spoiled children, invited to dangerous mischief, and ignorant of its probable consequences. Let them recollect that these misguided young men and beardless boys, are but the innocent puppets of violent and interested leaders, who send them forth as tools and cats-paws to provoke the men of the city, and bring upon their own heads the consequences of their own doings. We earnestly hope the parents of these indiscreet and deluded youth will make use of their authority, and enjoin them on their obedience and duty to keep away from these riotous meetings at Masonic Hall, and stay at home of evenings, under the sacred protection of their hearths and firesides. Finally, we call upon the ministers of the Gospel of Peace, in the spirit of pastors of their flocks, and advocates of social order, to adjure the aged to exert their influence to prevent their sons going forth thus to throw firebrands into the city.

What will be the probable result of this rabble of hot-headed young men and indiscreet boys, with their ships and their banners, intruding into the wards where they neither reside or have a vote? At first, perhaps, a contest of cutting jests, and bitter repartee, in which those



who get the worst will become the most irritated. From hard words to hard blows is but a single step. The madness will spread; the cudgel will be lifted; the paving-stones and brick-bats will fly; the concealed dirk will be drawn; blood will flow, and innocent lives pay the forfeit of the madness of youth, spurred on by smooth-faced hypocrites and reckless renegades. But this is not all, nor is it the worst. The civil authorities of the city being too weak to quell the fury of the multitude, will be obliged to call out a military force. But whence are they to obtain such a force? Those who compose the military would probably be engaged, on opposite sides, among the rioters. Yet let us suppose it practicable to obtain a military force for the purpose of restoring order. We shall then behold citizens with arms in their hands stand arrayed against those who have none. All other means failing to still the tumult and arrest the actors, it will become the painful duty of the Mayor to order the troops to fire into the multitude; or if he should refrain from so doing, a single missive not perhaps intended for that purpose, provokes one of the military to fire without orders. Who shall paint the consequences of such an act? We shrink from the anticipation. It is sufficient to refer to the thousand examples under similar circumstances. Who shall pretend to say that our city would not smoke in ashes and blood?

Such are the consequences likely to flow from this last and desperate resort of a baffled and twenty times defeated traitor. And all for what? That the Bank may triumph over the constitution, and money tyrannize over men.

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## THE STATE PRISON MONOPOLY.

[From the *Evening Post*, Oct. 1834.]

We are very sorry to see the opposition to the scheme of State Prison labour, or the State Prison Monopoly, as it is termed, showing itself in acts of violence, the effect of which must be to cool the friendship which men of correct principles entertain for that cause, if not to turn them wholly against it. We allude to the mutilation of edifices built of materials prepared at Sing-Sing Prison. A number of costly and beautiful houses in the upper part of the town have been defaced and mutilated by some misguided and unprincipled persons, for no other reason that can be conjectured than that they were constructed of materials procured at the State Prison. This journal is opposed — decidedly and strongly opposed — to any plan of convict labour, the effect of which is to interfere with the prosperity of upright citizen mechanics, or diminish the incentive to an honest and industrious pursuit of lawful vocations. But if any thing could induce us to withhold our assistance from the objects contemplated by those who are seeking to effect a radical change in the plan of prison labour, it would be the lawless and incendiary conduct to which we allude. A good cause can never need to be furthered by violence and outrage, and violence and outrage are in themselves *prima facie* evidence of a bad cause. While cut stone, or any other materials for building, can be procured cheaper at Sing Sing Prison than elsewhere, it would be expecting too much of contractors to ask them to forego the advantage thus extended to them. To buy where we can buy cheapest, and sell where we can sell highest, is the rule of all traffic, and it is putting men to too hard a test when they are required to correct, by individual forbearance, what should be provided for by

a general law. Besides, even if those who erect buildings with materials purchased at the prison do wrong, and even if injury inflicted upon their private property be the best means of procuring redress (neither of which propositions is tenable) still it should be borne in mind that the houses which they build pass into other hands, and that, in mutilating them, instead of injuring those whom they consider justly obnoxious to anger, the opponents of the State Prison Monopoly may in reality be invading the means of some citizen friendly to their cause.

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### THE DIVISION OF PARTIES.

[*From the Evening Post, November 4, 1834.*]

Since the organization of the Government of the United States the people of this country have been divided into two great parties. One of these parties has undergone various changes of name; the other has continued steadfast alike to its appellation and to its principles, and is now, as it was at first, the DEMOCRACY. Both parties have ever contended for the same opposite ends which originally caused the division—whatever may have been, at different times, the particular means which furnished the immediate subject of dispute. The great object of the struggles of the Democracy has been to confine the action of the General Government within the limits marked out in the Constitution: the great object of the party opposed to the Democracy has ever been to overleap those boundaries, and give to the General Government greater powers and a wider field for their exercise. The doctrine of the one party is that all power not expressly and clearly delegated to the General Government, remains with the States and with the People: the doctrine of the other party is that the vigour

and efficacy of the General Government should be strengthened by a free construction of its powers. The one party sees danger from the encroachments of the General Government; the other affects to see danger from the encroachments of the States.

This original line of separation between the two great political parties of the republic, though it existed under the old Confederation, and was distinctly marked in the controversy which preceded the formation and adoption of the present Constitution, was greatly widened and strengthened by the project of a National Bank, brought forward in 1791. This was the first great question which occurred under the new Constitution to test whether the provisions of that instrument were to be interpreted according to their strict and literal meaning; or whether they might be stretched to include objects and powers which had never been delegated to the General Government, and which consequently still resided with the states as separate sovereignties.

The proposition of the Bank was recommended by the Secretary of the Treasury on the ground that such an institution would be "of primary importance to the prosperous administration of the finances, and of the greatest utility in the operations connected with the support of public credit." This scheme, then, as now, was opposed on various grounds; but the constitutional objection constituted then, as it does at the present day, the main reason of the uncompromising and invincible hostility of the democracy to the measure. They considered it as the exercise of a very important power which had never been given by the states or the people to the General Government, and which the General Government could not therefore exercise without being guilty of usurpation. Those who contended that the Government possessed the power, effected their immediate object; but the contro-

versy still exists. And it is of no consequence to tell the democracy that it is now established by various precedents, and by decisions of the Supreme Court, that this power is fairly incidental to certain other powers expressly granted; for this is only telling them that the advocates of free construction have, at times, had the ascendancy in the Executive and Legislative, and, at all times, in the Judiciary department of the Government. The Bank question stands now on precisely the same footing that it originally did; it is now, as it was at first, a matter of controversy between the two great parties of this country—between parties as opposite as day and night—between parties which contend, one for the consolidation and enlargement of the powers of the General Government, and the other for strictly limiting that Government to the objects for which it was instituted, and to the exercise of the means with which it was entrusted. The one party is for a popular Government; the other for an aristocracy. The one party is composed, in a great measure, of the farmers, mechanics, labourers, and other producers of the middling and lower classes, (according to the common gradation by the scale of wealth,) and the other of the consumers, the rich, the proud, the privileged—of those who, if our Government were converted into an aristocracy, would become our dukes, lords, marquises and baronets. The question is still disputed between these two parties—it is ever a new question—and whether the democracy or the aristocracy shall succeed in the present struggle, the fight will be renewed, whenever the defeated party shall be again able to muster strength enough to take the field. The privilege of self-government is one which the people will never be permitted to enjoy unmolested. Power and wealth are continually stealing from the many to the few. There is a class continually gaining ground in the community, who desire to monopolize the advantages of the Govern-

ment, to hedge themselves round with exclusive privileges, and elevate themselves at the expense of the great body of the people. These, in our society, are emphatically the aristocracy; and these, with all such as their means of persuasion, or corruption, or intimidation, can move to act with them, constitute the party which are now struggling against the democracy, for the perpetuation of an odious and dangerous moneyed institution.

Putting out of view, for the present, all other objections to the United States Bank,—that it is a monopoly, that it possesses enormous and overshadowing power, that it has been most corruptly managed, and that it is identified with political leaders to whom the people of the United States must ever be strongly opposed—the constitutional objection alone is an insurmountable objection to it.

The Government of the United States is a limited sovereignty. The powers which it may exercise are expressly enumerated in the Constitution. None not thus stated, or that are not “necessary and proper” to carry those which are stated into effect, can be allowed to be exercised by it. The power to establish a bank is not expressly given; neither is incidental; since it cannot be shown to be “necessary” to carry the powers which are given, or any of them, into effect. That power cannot therefore be exercised without transcending the Constitutional limits.

This is the democratic argument stated in its briefest form. The aristocratic argument in favour of the power is founded on the dangerous heresy that the Constitution says one thing, and means another. That *necessary* does not mean *necessary*, but simply *convenient*. By a mode of reasoning not looser than this it would be easy to prove that our Government ought to be changed into a Monarchy, Henry Clay crowned King, and the opposition members of the Senate made peers of the realm;

and power, place and perquisites given to them and their heirs forever.

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### THE CHARACTER OF THE PRESIDENT.

[*From the Evening Post, November 4, 1834*]

The Aristocracy are exceedingly anxious to divert the attention of the people from the chief object of their warfare—the venerable and heroic old man who sits at the head of the Government. They protest that their efforts are no longer directed against General Jackson, but are now aimed against Martin Van Buren. But this pretence is so flimsy, that it would be almost insulting the sagacity of our readers to suppose they do not see through it. General Jackson is the object of the direst hatred of the Bank tories. It is his measures against the United States Bank which have excited them to such ferocious political warfare against him. It is his having declared the Bank to be unconstitutional, dangerous to our liberties, an oppressive burden to the great body of people, an aristocratic institution, hedging the rich round with exclusive privileges, and degrading the condition of the labouring poor—it is for having declared these opinions, and acted in conformity with them, that General Jackson is hated by the aristocracy, and termed a usurper and a despot, a cut-throat and a villain.

But when, in the course of his whole long and illustrious life, has Andrew Jackson ever shown the disposition to be a usurper or a despot? Was it in New Orleans, when, after having saved the city from sack and pillage, even in spite of itself, he appeared at the Bar of the Court, at one and the same moment to submit to its decision and to protect it against its consequences? Was it when, as the Judge was about to adjourn that Court, in

apprehension of the just indignation of the people whom he had saved, the war-worn old veteran coolly exclaimed—*“There is no danger here; there shall be none. The person who protected this city from foreign invaders, can and will protect this Court, or die in the attempt.”* And the old veteran spoke the truth. The people were hushed, and suffered him to be fined one thousand dollars, which he paid on the spot, and for which he refused to be remunerated by the contributions of the community. Was this acting like a despot and usurper?

Was he a despot, when, elected by the people to the office of President, he recommended an amendment to the Constitution, giving to the people an immediate and direct voice in the selection of their Chief Magistrate, and that he should be eligible for only one term? Was this tyranny—was this usurpation? Was he the enemy of freedom, when, in the same communication to Congress he urged the passing of a law providing for the introduction of the principle of rotation in office, and securing its members from the dangers of Executive influence—his own influence!—by disqualifying themselves from accepting office during the period they were elected to serve the people? Was this usurpation; or did it savour of a disposition to extend his prerogatives?

The whole life of General Jackson has been one of absolute uncompromising devotion to his country. He never was afraid of responsibility when he was in jeopardy. He did not stand mooting nice points of political orthodoxy, or questioning whether he was right or wrong, when the ravager was on her shores, and the knife at her bosom. He is not the man who, when he sees his friend, his wife, or his country, suffering violence or injury, will stop to inquire who is to blame, before he flies to the rescue. He thinks of saving them first, and in his honest delight of having succeeded, for-



gets to ask the particulars of the quarrel. Is it any wonder that the honest, warm-hearted, clear-headed people of the United States love, and trust, and venerate this noble old man, whose redeemed pledges they see every day before them ; or that they shut their ears to the mingled yell of clamour that resounds from the Holy Alliance of discords ; the union of chemical antipathies ; the mixture of oil and vinegar, that compose the heterogeneous party now marshalled under "old Cacafoa and his money bags ?"

And now he stands at the head of the Democracy of the world, fighting its battles, and stemming the tide of selfish interest combined with unprincipled ambition. He is there as the leader and champion of the people, and will the people desert him ? He is now putting their virtue and their patriotism to the test. He is now trying the great experiment whether this government is in future to rest on the sordid principle of gain, or the sound principles of a free Constitution. Every appearance demonstrates that the present contest is one which will inevitably decide whether the rich or the labouring classes, the few or the many, are to rule this wide Confederation. This is the great cause in which the people are now called upon by every tie of interest and honour ; by their present possessions and their future hopes ; by the memory of their fathers and prospects of their children ; by gratitude, by affection, by the still call of the dead, the voice of the past, the present, and the future—the cry of oppressed nations looking hitherward for the result of all their hopes—and by every other motive that can influence the actions of rational intelligent men, to rally round the old hero, and stand by him, as he has stood by them. One day more will decide whether or not these solemn appeals have been addressed to them in vain.

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## MONOPOLIES.

[*From the Evening Post, November 20, 1834.*]

Want of time, and other demands on our space, prevented us yesterday from extending our article on the subject of Corporations, so as to embrace a reply to those points in the remarks of the Times\* which seemed to us worthy of answer. There is indeed not much in those remarks which absolutely requires notice ; for, happily, the Times is as feeble in its arguments in favour of a certain class of monopolies, as it is unfortunate in the subject it has chosen on which to vent its malignity against the Evening Post. But as the question which that print, siding with the Courier and Enquirer, and echoing its heresies, has thought proper to moot, is one of great intrinsic importance, it may not be altogether without use and interest to take up its article of yesterday, as furnishing an occasion of some further exposition of the true democratic point of view in which charters of incorporation—the most insidious and dangerous form of monopoly—ought to be considered.

The Times has favoured us with a confession of faith on the subject of monopolies, and if its preaching were in accordance with its creed, there would be little ground of dispute, for it would seem by this that there is no great difference between us on general principles. The Times says :

“The Post is against all monopolies—so are we. The Post is for Equal Rights—so are we. The Post is for the suppression of small notes, and a reform of our banking system—so are we, for the last because it is needed, and for the first because the notes are an evil, and their extinction is essential to the success of one of our most important measures of public policy, the substitution of

\* The Times newspaper has long since ceased to exist, and there is not therefore any particular reason for omitting this and some other articles attacking that Journal.

a specie currency. The Post is against legislating for the benefit of individuals, to the disadvantage or exclusion of others—so are we, and in this and on all these points, the party agrees with us.”

So far, so good. We shall pass by the twaddle about “the party agreeing with us,” which is mere harmless impertinence and coxcombry not worth reply. We shall pass by, too, the satisfactory and lucid reason stated by the Times for being in favour of “a reform of our banking system.” We gather, then, from this confession of faith that the Times is opposed to *all* monopolies, is in favour of equal rights, believes that small bank-notes should be suppressed, the banking system reformed, and legislation for individuals, to the disadvantage or exclusion of others, should cease. One might naturally infer from all this that there is no real ground of controversy between us, and that, like many other disputants, we have been arguing about nothing. But when the Times comes to explain itself, we find, notwithstanding the apparent agreement in our premises, that we differ very widely in our conclusions. It is against all monopolies in the abstract, but for them in the concrete. It is opposed to charters of incorporation in general, but advocates them in particular. It is in short against exclusive privileges as monopolies, but in favour of them as means of effecting “great objects of public utility,” “developing vast resources,” “stimulating industry,” and so forth, which is only a repetition of the stale cant which has been used, time out of mind, by those who desired to cheat the people out of their rights for their own selfish ends.

The Times is pleased to say that we ride the doctrine of monopolies as a hobby. We might retort by saying that the Times rides it only for convenience, and just as it suits its purposes. It is “ride and tie” with it. One moment it is on horseback, pricking its ambling steed

along ; the next it dismounts and turns him loose to graze on the common. For ourselves, we have only to say, that if opposition to monopolies, in every form and under every disguise, is our hobby, it is because we honestly believe them to be the most sly and dangerous enemies to the general prosperity that ever were devised by ingenious cupidity. It is on this ground we have opposed them earnestly—it is on this ground we mean to oppose them, with all our ability, until the evil is arrested, or we become convinced that opposition is vain.

Though the Times professes to agree with us in the opinion that all monopolies are infringements upon the equal rights of the people, and therefore at war with the spirit of our government and institutions, it differs widely with us in its definition. It separates monopolies from corporations, and its idea seems to be that monopolies must be entirely exclusive, or they are not monopolies. There are degrees of virtue and of vice ; there are degrees in every thing ; but according to the Times there are none in the nature and extent of monopolies. These consist in extremes, and have no medium.

Among its exceptions are railroad incorporations, which it does not consider as belonging to the great family of monopolies. It acknowledges that a railroad may be a monopoly—"a speculation for the profit of individuals, not required by, nor likely to promote the public interest ;" but, on the other hand, to meet this case, it supposes another, in order to show that a railroad company may be incorporated without creating a monopoly. Extreme cases are but poor arguments ; since by carrying any right or principle to an extreme, it may be made to appear vicious and unjust. But let us examine the supposititious case which the Times has manufactured to justify its insidious advocacy of monopolies. We copy the whole passage :

"Suppose Grand Island to be inhabited by twenty people, and that their only ferry is at one end of the island. Suppose that they have no good road, and that they want a railway to transport their produce from their farms down to the ferry. No one of them is rich enough to make it, but the whole together can, provided they have an act of incorporation for the management of the joint funds, and the direction of the work. Suppose the Post to be the legislature, and that these twenty isolated proprietors apply for a charter : how would the Post reply ? It would say, "there is certainly nobody concerned in this matter but yourselves, and the work would benefit you vastly, but if no one of you is wealthy enough to construct it, you must do without—you cannot have a charter, *for* I oppose monopolies, and every act of incorporation is a monopoly !"

This is all very smart and very convincing, and we only wonder that the Times did not discover that it had trumped up a case which has no application whatever to the matter in dispute. The twenty inhabitants of Grand Island, according to the case here put, constituted a complete community, having one common interest in the contemplated railroad, and all sharing equally in its advantages. They are, so far as respects this question, *a whole people*, and being thus united in one common bond of interest, the rights of no one of them would be impaired by the whole body being incorporated for any common object. This supposititious act of incorporation bears a strong analogy to the very measure of legislation which we yesterday spoke of as the proper means of effecting those objects which are now attained by partial and unequal laws. Instead of Grand Island, let us read the State of New-York ; and instead of an act of incorporation for a specific purpose including the whole population, let us suppose a law applicable to all purposes for which

charters could be asked, under which any set of individuals might associate, and we have at once, a remedy for the evils of exclusive charters—we establish a system under which monopolies cannot exist.

But let us look a little closer at the railroad incorporation which the Times wishes to bestow on the twenty inhabitants on Grand Island. It is within the compass of possibilities that the population of Grand Island, particularly after "their resources should be developed," and "their industry stimulated," by an act of incorporation, might be increased by emigration, or in some other way. As the charter was conferred exclusively on the twenty original inhabitants, we suppose the new comers would be denied the benefits of the railroad, unless they paid a toll, or contributed an equal proportion with the original proprietors. Would not this railroad at once become a monopoly, and as such be open to all the objections to corporations of this kind?

But we are fighting shadows. Communities cannot be incorporated except under laws equally applicable to all their members; and the idea of giving society at large exclusive privileges is an absurdity. A law which is general in its operation cannot confer exclusive privileges. The fiction of a whole community requiring an act of incorporation to accomplish an object of public utility is equally fanciful and original.

The Times further maintains that the Evening Post is an enemy to every species of internal improvement, and that the position it has taken would exclude them altogether. The Post, it says, will allow no rich man to make a road because the Post upholds equal rights, and will not permit corporate bodies to do it; of course the people must go without roads. Now all this is gratuitous assumption both of facts and consequences.

There is no necessity for either the rich man or the

corporate company to make roads. The people will do it themselves ; their own wants and convenience will impel them ; and as their requirements and means increase, their modes of conveyance will advance accordingly. A rich man may hold all the property through which a road is to pass—but what of that ? He cannot impose upon the people by making them pay to pass through it. The general law of the land points out the uniform mode of proceeding. He is remunerated by being paid the fair amount of his injury, and taxed his full share of the advantages derived from the improvement. There is here no monopoly, and there is no oppression, because every man's property is liable to similar contingencies.

But in order to justify this great system of monopoly in disguise, it is the fashion to proclaim from the house-tops that communities can do nothing in their combined capacity, and that general laws are insufficient for nearly every purpose whatever. We have special laws and contrivances interfering with and infringing the common rights of individuals. We must have societies of all kinds, for every special purpose, and corporate bodies of every name and device, to do what ought not to be done, or what the community can well dispense with, or what they could as well do for themselves. Nations, states, and cities can do nothing now-a-days, without the agency of monopolies and exclusive privileges. Nor can individuals "beneficially employ capital," unless they are inspired by an act of the legislature, and a prospect of exorbitant profits, such is "the progress of the age and the march of intellect."

We need not say again that we are not an enemy of public improvements—such as are equally beneficial to the whole of that community which bears an equal proportion of the expense which they cost. But we are for putting such improvements on the footing of county roads

and other municipal undertakings. The people who are to be exclusively benefitted may make them if they please, and if they do not please they may let it alone. In our opinion it is paying at too dear a rate for quick travelling through New-Jersey to purchase it at the price of depriving the citizens of that state, not members of a certain railroad company, of the right to make another railroad from New-York to Philadelphia. By such a system of legislation, the sovereign people of a whole state are deprived of their equal rights.

But it is our custom to treat all great political subjects on broad and general principles, from which alone general conclusions can be derived. A superficial or partial comparison of the advantages and disadvantages of a certain course of legislation furnishes a poor criterion from which to strike the balance ; because it is wholly impossible for the ripest experience, aided by the most sagacious intellect to see and weigh everything connected with the subject of discussion. We must resort to general principles.

The question between the Times and the Evening Post, then, is not whether an act of incorporation may not be passed by a legislative body from the purest motives of public good, nor whether the public good may not in some instances be promoted by such an act. The true question is whether all history, all experience, nay, the very nature of man, does not support the position that this power of granting privileges, either wholly or partially exclusive, is not one that has always led, and, as we have thence a right to infer, will always lead, not only to corruption and abuse, but to either open or secret infringements of the sanctity of Equal Rights ? This is the only question worthy of a high-minded and patriotic politician. It is not whether the practice may not occasionally lead to public, or social, or individual benefit ;



but whether it has not in the past been made, and whether it will not in the future be made again, the fruitful source of those inequalities in human condition—those extremes of wealth and poverty, so uniformly fatal to the liberties of mankind.

Our pen has been often employed, and we trust not wholly without effect, in pointing out and illustrating the evil consequences of this system of bartering away the reserved rights of the great mass of the community, in exchange for public bonuses and *private douceurs*, either direct or indirect, or in furtherance of political views. This system has deranged the whole organization of society, destroyed its equilibrium, and metamorphosed a government the fundamental principle of which is equal rights to every free citizen, to one of EQUAL WRONGS to every class that does not directly share in its monopolies.

We neither wish to pull down the rich, nor to bolster them up by partial laws, beneficial to them alone, and injurious to all besides. We have repeated, again and again, that all we desire is, that the property of the rich may be placed on the same footing with the labours of the poor. We do not incorporate the different classes of tradesmen, to enable them to dictate to their employers the rate of their wages ; we do not incorporate the farmers to enable them to establish a price for their products ; and why then should we incorporate moneyed men (or men having only their wits for a capital) with privileges and powers that enable them to control the value of the poor man's labour, and not only the products of the land, but even the land itself ?

If the Times will answer these questions, we are willing to discuss the subject, step by step, in all its important relations. But if it shall continue to lay down positions but to explain them away, like the boy who blows a bub-

ble only for the pleasure of dissipating it by a breath, we shall not feel bound to pursue the subject in a controversial form. The weathercock must remain stationary for at least a moment, before we can tell which way the wind blows. The ship which, without rudder or compass, yaws and heaves about, the sport of every impulse of the elements, can scarcely be followed in her devious course by the most skilful navigator.

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### ASYLUM FOR INSANE PAUPERS.

[*From the Evening Post, Nov. 28.*]

We have received a copy of a circular letter on the subject of a recommendation made by Governor Marcy to the Legislature, at its last session, that an Asylum for Insane Paupers should be erected, at the expense of the State. A select committee was charged with the subject, which reported favourably on the project; but the legislature adjourned without acting upon it. We trust they will adjourn again without acting affirmatively on any such scheme.

The taking care of the insane is no part of the business of the state government. The erecting of such an Asylum as is proposed, and the appointment of the various officers to superintend it, would be placing a good deal more power—where there is already too much—into the hands of the state executive, to be used honestly or corruptly, for good or evil, as these qualities should happen to predominate in his character, or as the temptations to use his official patronage for his own aggrandizement or profit might be strong or weak. We are continually suffering, under one pretence or other, these pilferings of power from the people.

The circular to which we have alluded appeals strongly

to the sympathies of its readers. It presents a deplorable and harrowing picture of the miseries endured by insane paupers in the poor-houses of Massachusetts and New Hampshire, and intimates that their condition is no better in many counties of this state. If this is so, the evil ought to be investigated and remedied ; but not in the method proposed, by the erection of a splendid state Asylum. The people ought not to suffer their judgment to be led away by their sympathies. They cannot be too jealous of the exercise of unnecessary powers by the state government. The nearer they keep all power to their own hands, and the more entirely under their own eyes, the more secure are they in their freedom and equal rights.

We would have destitute lunatics taken care of, but not under the charge or at the expense of the state government. It ought to be one of the leading objects of the democracy of this country for many years to come to diminish the power of the general and several state governments, not to increase it. On the subject of legislation for paupers they ought to be particularly vigilant. In nine cases out of ten, and we believe we might say ninety-nine out of a hundred, poor-laws make more poverty than they alleviate. If the reader has ever employed himself in tracing the history of the poor-laws in England, he will not require any proof of this assertion ; if he has not, he could scarcely turn his thoughts to a subject more rife with matters of serious interest.

Lunatic paupers ought certainly to be taken care of. Both charity and self-protection require this. But we would remove this guardianship as far from government as possible. Each county should certainly provide for its own ; each township would be better, and if it were practicable to narrow it down to the kindred of the insane persons, it would be better still. As a general rule,

all public charities, except for the single purpose of promoting education, are founded on erroneous principles, and do infinitely more harm than good. See that the people are educated, and then leave every man to take care of himself and of those who have a natural claim on his protection. We have many large charities in this community, founded in the most amiable and benevolent motives, that annually add very largely to the sum of human misery, by ill-judged exertions to relieve it.

The picture of the wretched condition of lunatic paupers, as presented in the circular before us, is certainly very touching, but legislators must not be blinded by tears to the true and permanent interests of man. They must let their feelings of commiseration take counsel of the pauser judgment. They must look at the subject in all its bearings and aspects, before they saddle the people in their collective capacity with another tax, and place the revenue so instituted at the disposal of an executive officer, who may expend it with a view to advance his private ends.

We have said that the account given of the sufferings of these pauper lunatics is touching ; yet it would be easy to draw as touching a picture, and as true too, of the sufferings of sane paupers. Indeed, with many, what a horrible aggravation to their sufferings their very sanity must be,

“ Which but supplies a feeling to decay !”

The lunatics are by no means the most unhappy class of paupers, as a class. Insanity comes to many as a friend in their deepest affliction, to mitigate the tortures of a wounded spirit—to

Pluck from the memory a rooted sorrow ;  
Raze out the written troubles of the brain,  
And, with a sweet oblivious antidote,  
Cleanse the stuffed bosom of the perilous stuff  
Which weighs upon the heart.

Those who are sick and desolate ; who have fallen from a high estate — fallen by their own folly, perhaps, and therefore experience the gnawings of remorse, or fallen in consequence of the ingratitude or treachery of others, may easily be supposed to experience keener anguish than the demented inmates of the same abode ; since the worst pain man suffers has its seat in the mind, not in the body ; and from that species of affliction the crazy are exempt. If this scheme of a grand state lunatic asylum should be carried into effect, we see no reason why next we should not have a grand state poor-house, for the reception of all paupers who had not lost their wits. Other large state charities would probably follow, and one abuse of government would step upon the heels of another. The system is all wrong from beginning to end. *We are governed too much.* Let the people take care of themselves and of their own sick and insane, each community for itself. Let them, above all things, be extremely cautious in surrendering power into the hands of the government, of any kind, or for any purpose whatever, for governments never surrender power to the people. What they get is theirs “ to have and to hold,” ay, and to exercise too, to the fullest extent, nor is it often got back from them, till their grasp is opened with the sword.

Our remarks are cursory and loose, perhaps, as this article has been written in the midst of more than usual interruptions. Let the reader not thence infer, however, that we have taken ground on this subject hastily ; for such is not the fact. The plan recommended by Governor Marcy last winter, has frequently occupied our thoughts, and in every light in which we have viewed it has appeared to us to deserve the opposition of the democratic members of the legislature. We are for giving as few powers to government as possible, and as small an amount of patronage to dispense. Let the aristocracy

advocate a strong government ; we are for a *strong people*.

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## MONOPOLIES.

[*From the Evening Post, Nov. 29.*]

“ TO THE EDITORS OF THE EVENING POST.

“ I have read attentively the views expressed in your paper on the subject of “monopolies,” and I agree with you to some extent, but I am not certain that I understand how far the practical detail may interfere with the general principle. This may be tested by some cases in point. I take the first notice from the Journal of Commerce, and the others from the Albany Argus.

[*Here follow notices of applications for incorporations.*]

“ You will perceive here are four distinct objects proposed to be accomplished. That the public may know how your theories are to be reduced to practice, I request that you will say how the members from this city, under their pledge as honourable men, are to vote on these general propositions ; and secondly, how you would vote as a legislator without any pledge.

“ AN HONEST INQUIRER.”

We have witnessed with regret, and we may add with surprise, that, notwithstanding the recent clearly and strongly expressed sentiment of the great body of the democracy of this state against all monopolies, of every kind and degree, a number of notices, like those quoted by our correspondent, have already appeared in the public papers. There can be no sort of question that one of the chief points which the great body of the democratic voters meant to decide by their suffrages in the recent contest, was that there should be no more monopolies created by our legislature. And there can be no sort of question either, that in the term monopoly, according to

the understanding of the democratic party, all acts of incorporation were included.

We do not mean to say that this was the universal understanding ; and perhaps it is never the case, in a political contest which turns on a variety of questions, that the whole body of voters are governed by absolute coincidence of sentiment on every particular subject. But we do mean to say, and we think no one will dispute, that those who gave the latitude of meaning to the word monopoly which we have here expressed, were at least much more numerous than the excess of votes in favour of Governor Marcy over Mr. Seward ; and further, that had it been announced, from any authentic source, previous to the election, that the candidates of the democracy for legislative office would, on being elected, vote for any act of incorporation whatever, they never would have had the opportunity of imposing any such contemplated additional fetters on the body politic.

The success of the democratic ticket in a majority of the republican counties, was clearly owing, in our view of the subject, to the belief that all exclusive and partial legislation would cease, if the democracy succeeded ; that laws would be made for the whole people, not for a part ; and that the great fundamental principle of our republic, the equal rights of all, would be their governing rule of action. It is to this conviction we owe our success ; and if this conviction had been destroyed by the promulgation of such sentiments before the election, as have since been expressed in certain degenerate prints, those who are now informed that the term monopoly applies only to such laws as no one ever dreamed would be passed, and are called upon to act accordingly in the legislature, would still have occupied a private station.

But independent of this consideration, we hold it to be demonstrable, (and we think we have not fallen far short

of demonstration in our various articles on the subject,) that all acts of partial legislation are undemocratic ; that they are subversive of the equal rights of men ; are calculated to create artificial inequality in human condition ; to elevate the few and depress the many ; and, in their final operation, to build up a powerful aristocracy, and overthrow the whole frame of democratic government.

In this view of the subject, we consider it the duty of every democratic legislator, however much or little he may consider the disputed word monopoly to comprehend, to set himself firmly against every attempt to obtain new charters of incorporation, or to enlarge the term or conditions of old ones. Whether he thinks himself positively instructed or not, by the terms of his county resolutions, to oppose every bill of incorporation, no one will pretend that he has been instructed to advocate such a bill, and he is therefore certainly under the general obligation to oppose every measure of anti-democratic character or tendency. The man, then, who, pretending to represent democratic constituents, shall yet cast his suffrage, or exercise his influence, in favour of a single application for corporate powers, or shall refrain from exerting himself to defeat such an application, will be unfaithful to his trust, to his country, and to the principles of liberty, and will richly deserve to be held up, in the strongest language which indignant patriotism can use, to the scorn of his fellow-men. On such a gibbet we shall surely do all in our power to hang such a traitor, if any such there shall be found, which we hope and trust there may not.

Is our correspondent answered ? As to the duty of our city delegation, there is not the slightest room for question. They are PLEDGED to oppose, with all their might, *all* monopolies ; and happily the terms of the pledge have not left the word monopoly of dubious import. By spe-



cifying Insurance Corporations, which are ~~as~~ useful in their favourable features, and as little objectionable in their unfavourable, as any description of corporations whatever — by specifying these as one of the most obnoxious kinds of monopolies, the phrase clearly embraces corporate institutions of every kind and name. Should, then, any member of our city delegation, being thus pledged, vote for any monopoly within the comprehensive signification fixed by the obligation he subscribed, he would not only be unfaithful to his party and to republican principles, but a fore-sworn caitiff, worse even than Dudley Selden, if worse can be.

But we have no fear that the democracy of our metropolis have cherished any such viper in their bosom. We look not to see any of our delegates seek to escape from their honourable obligations through any flaw which the Times may try to discover in their pledge. We look not to see them skulk behind a quibble, or palter with their constituents in a double sense. We expect rather that they will exhibit a noble emulation in carrying into effect the spirit of that condition. We expect to see them all eager to identify themselves with the leading doctrines of the democracy in the present struggle with aristocratic opponents of equal liberty and laws, and each striving to outdo the others in the strenuousness of his hostility to exclusive privileges, partial legislation, or whatever endangers, in the slightest degree, the foundation principle of our political fabric, the equal rights of mankind.

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## MONOPOLIES.

[From the *Evening Post*, Nov. 29, 1834.]

The Journal of Commerce protests that it has not hauled down its flag, but joins its co-labourer the Times, in insisting we ourselves are *used up*. "We thought it unnecessary to proceed further with the discussion, because the whole ground had been gone over, and we believed the wrong doctrines of the Post sufficiently refuted." So says the Journal of Commerce. How complete this refutation is, our readers are qualified to judge, since we have placed its several articles before them, some in whole, and some in substance. The Journal admits that its "fifty dollar" argument "is just as good in relation to packeting as banking." It is just as good, then, in relation to any other business. For instance, one of the bubbles that accompanied the airy flight of the famous south-sea bubble, and exploded about the same time, though with less noise and devastation, was called "the Spanish Jackass Company." Now, by carrying out the idea of the Journal of Commerce, a New-York Jackass Company might be incorporated, and the Editor of the Journal of Commerce, by buying fifty dollars' worth of stock, might stand a fair chance to be chosen president. The stock of a company of that description might be expected to be very popular among a certain political party to which the Journal of Commerce, *in some measure*, belongs; and it might all be taken up before one-tenth of the applicants were supplied. Would not the disappointed nine-tenths, as they wended their way homeward, with their fifty dollars apiece in their breeches' pockets, have reason to exclaim that there was something partaking of the character of exclusiveness in this Jackass Company? And suppose the Editor of the Journal of

Commerce, despite his claims, should receive no apportionment of stock, would he not begin to think that there was some truth in the complaint against monopolies?

But badinage apart, we are surprised that the Journal of Commerce does not perceive that it makes no difference in the principle of the thing whether the stock of an incorporated Company is divided into fifty dollar shares, or five thousand dollar shares. Of whatever amount the subdivisions may be, but a small portion of the community can receive any at the original allotment, and but a small portion of them could receive any, if the Journal of Commerce's favourite plan of selling the shares by auction were adopted. When the pitcher is full it will hold no more; and when the shares were all apportioned or sold, disappointed applicants could not expect to get any. The corporation would then be a monopoly enjoyed by the successful applicants; and whether their number was five or five thousand, they would possess "exclusive privileges" nevertheless, and would be the beneficiaries of unequal legislation.

It is an error of the Journal of Commerce to say, that the practical operation of corporations is to "take privileges, which would otherwise be monopolized by the rich, and divide them into such small parts, that every one who has fifty dollars may be interested, upon equal terms of advantage with the most wealthy." In practice, the operation of the thing is quite the reverse. "Kissing goes by favour," in those operations. Large capitalists get all the stock they ask for, and poor men get but a part, if any, that they solicit. There are published lists of apportionments to which we can refer the Journal of Commerce. But the fact is notorious. And moreover, it is notorious, that this pretended division of stock has even much less of fairness and honesty about it than would seem by the face of things. Many of the appli-

cants who get large apportionments are men of straw, mere catspaws, thrust forward to answer the purpose of some great capitalist, for whom the stock is really procured. We could name instances, if it were necessary. We have not come to this subject without being furnished with ample means of establishing our arguments. There is the very last bank that went into operation—was the stock of that incorporation divided to fifty dollar applicants? Is it not, on the contrary, a fact, that a controlling interest is in the hands of a single individual, who is represented by his puppets—we beg their pardon, his proxies—in the directory? Nor is that bank a solitary instance, as the Journal of Commerce well knows.

But if the argument were true, to the fullest extent, that “fifty dollar men” can become bankers, and life-insurers, and packet-owners, and so on, it would still not be a good argument in favour of special acts of incorporation for these several purposes; because these special acts would each embrace but a small portion of the community, and all special or partial legislation is, in its very nature, anti-republican and invasive of equal rights. Let capital and industry alone to find their own channels. This is the true principle to act upon. If any additional legislation is necessary, let it be legislation that shall embrace the whole body politic, and every variety of laudable enterprise. The “fifty dollar” argument of the Journal of Commerce might with much more propriety be put forward in support of a general law of joint stock partnerships, than in support of the everlasting iteration of special acts of incorporation, where every succeeding set of applicants are striving to get some privileges or advantages not conferred by previous charters, and, to effect their selfish and unjust ends, resorting to all the arts of collusion and corruption. Under a general law, not merely “fifty dollar men,” but twenty

dollar men, and one dollar men, might if they pleased place their means in the joint funds of an association to effect some great enterprise. Such a law would be the very measure to enable poor men to compete with rich. As it is, let the Journal of Commerce say what it may, acts of incorporation are chiefly procured by the rich and for the rich. What claims have your William Bards or your Nathaniel Primes on the country, that our legislature should spend their time in making laws for their exclusive or particular advantage? Did we cast our suffrages into the ballot-boxes to select legislative factors for those men, or such men? Let them have their equal rights, but let them have no more.

The Journal of Commerce seems to think our reasoning involves a contradiction, because we oppose special acts of incorporations or monopolies, and yet would extend incorporations indefinitely. We have not said we would extend *corporations indefinitely*; yet if corporations were extended indefinitely, there would be no monopoly; since when every member of the community has precisely the same opportunities of employing capital and industry given to him by the laws which every other member has, there is no exclusive privilege, and no invasion of equal rights. But it is an error in terms to say that we advocate the indefinite extension of corporations, since the very nature of a corporation, is to be endowed with special privileges. We shall not dispute about words, however, if we can bring the Journal of Commerce to agree with us about principles. The act of incorporation, then, which we should desire to see passed, would be an act incorporating the whole population of the State of New York, for every possible lawful purpose to which money or human labour, or ingenuity, is ever applied, with a clause admitting to a full communion of the benefits of the body corporate, every indivi-

dual who should at any future time become a member of the body politic.

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## MONOPOLIES.

[*From the Evening Post, November, 1834.*]

WHAT have the People, the Democracy, been struggling for in the last election? Was it merely to satisfy a personal predilection in favour of a few leaders, and to gratify a personal dislike to a few others; or was it for certain great principles, combined in the one great general term of EQUAL RIGHTS? As to ourselves, and we believe we speak the sentiment of a great majority of those who acted with us, we answer unhesitatingly, not for men but principles; not for Messrs. Cambreleng, White, Moore, Morgan, McKeon, and others, whatever we may think of them as individuals, but because they have pledged themselves to the support of Equal Rights, and to an opposition to monopolies and exclusive privileges.

Yet the Times in effect denies and repudiates our doctrine, that every species of corporate body created for the purposes of gain, and gifted with privileges which others do not and cannot possess or exercise, is in its nature and consequences an infringement on the Equal Rights of the People. It advocates the system in all its prominent features of abuse and oppression, qualified indeed by certain restraints, which, being disguised in loose generalities, elude detection and defy argument. For ourselves, we have no concealments. On this subject we have heretofore opposed, and mean hereafter to oppose, with the utmost exertion of our powers, every new addition to this already overgrown and pernicious system of bartering away the sovereignty of the People

to little bodies politic, fattening on the great body, and are satisfied that, but for the stand we took on this great constitutional ground, the late triumph of democracy would not have been so signal—in this great city at least. The majority of the People echoed our sentiments ; they rose in their might against monopolies and exclusive privileges ; and if their victory is not followed up by uncompromising opposition to the great source of monopolies, like the citizens of Paris, they will have fought the “three days” for nothing, or at least nothing worth gaining. They will have used their exertions only to drive away one swarm of flies, already gorged with their substance, to give place to another more hungry and insatiable. Again we ask, if we were not fighting against monopolies and exclusive privileges, what were we fighting for ?

That our readers may see the progress making in other portions of the Union, in this system of secret warfare against their Equal Rights, we lay before them an analysis of the privileges lately conferred on one of these corporate bodies in the state of Ohio. It is called a Life and Trust Company, and all these extensive powers are bartered away by the representatives of the people, under the specious pretext of enabling a few persons, having money to spare, to buy life annuities, and place their property in the safe keeping of a corporation ; a body without a soul ; an abstraction ; a remote circumstance ; a nothing tangible or responsible. In the opinion of these law-givers, the integrity of individuals and the general laws of the land are insufficient guarantees for the safety of property ; and nothing can secure it but the possession and the exercise of privileges founded on a perpetuity of property and a usurpation of rights.

The powers granted by the legislature of Ohio to their

most favoured bantling of legislative munificence, are as follows :

1. To make insurance on lives.
2. To grant and purchase annuities.
3. To make *any other contract* involving the *interest of money and the duration of life*.
4. To receive moneys on trust, and to *lend out the same at such rate of interest as may be agreed on*.
5. To accept and execute *all such trusts of every description as may be committed to them by any person, or by any Court of Record*.
6. To receive and hold lands under grants with general and special covenants, *so far as may be necessary to their business or the payment of their debts*.
7. To buy and sell drafts and bills of exchange.
8. To hold an original capital of 2,000,000 of dollars.
9. *To vest said capital in bonds and mortgages on real estate valued at double the amount of the sums loaned*.
10. *To increase said capital to an INDEFINITE EXTENT by deposits at an agreed rate of interest*.
11. *To issue bank notes to double the amount deposited—not to exceed one million of dollars*.
12. To have twenty trustees, one-fifth elected every two years, so that ultimately each trustee remains in ten years.

Now we desire the people to look well at this delegation of their sovereignty to these twenty trustees. We ask them if there is any thing under heaven this corporation cannot do, except perhaps make war and peace; or any limits to its powers of accumulation? And as if to cap the climax of legislative folly or corruption, this corporation is permitted to *coin its own money*, to lend or to pay its annuities and the interest on its trusts. It receives pledges on land and real property, bonds and mortgages, on liens of its own paper, and charges interest for



the same, thus exchanging rags for lands and houses, at a premium of interest "such as may be agreed on."

It is permitted "to increase its capital to an INDEFINITE EXTENT by deposits at an interest agreed on." In short it "can *make any contract involving the interest of money or the duration of life.*" This pledge covers every species of human dealing, and may be tortured by the ingenuity of cupidity into including all the business of life. In fact there is no limit to the powers which this minor sovereignty may exercise, as to its means of acquiring wealth and influence. Its duration is perpetual, and in less than one hundred years, it will swallow up the whole state of Ohio. Its proprietors of land will become tenants at will to the Life and Trust Company, and an independent yeomanry sink into a race of dependant slaves.

They have no remedy except a revolution ; for according to the famous doctrine of "vested rights," one legislative body may barter away privileges which, however pernicious or fatal to the liberty and prosperity of the great mass of citizens, can never be reclaimed by its successors. The mill-stone once tied about the neck of the people, becomes a vested right, and cannot be unloosed, even to save them from drowning. If such is the settled principle, does it not hold up a warning to the depositories of the sovereignty of the people, against lightly giving way, or bartering for some pitiful consideration, privileges which, however dangerous or pernicious in their consequences, must either be perpetual or endured for a certain number of years ? If the grant is irrevocable, how careful should they be in making it ? Repentance cannot alleviate the consequences of the transgression ; legislation can make no atonement. It is the fiat of fate, and to strive against it, is not only vain but

blasphemous, according to the opinion of the champions of legislative omnipotence.

The people of this or any other country never contemplated bestowing on their government the power to inflict upon them evils which no subsequent exertion of that power could remove. They did not bestow upon their legislative bodies a portion of their sovereignty, to barter it away in exchange for the wages of corruption, or for political purposes. What they gave they expected would be received by those to whom it was given for the special benefit of the great majority, and not employed in forging for them fetters from which no after struggle could release them. This practice of frittering away the powers of the government, in themselves, not transferable, has divested that government of a great portion of what the people conferred on it, and it alone. It might just as well delegate to a corporation the rights of declaring war and concluding peace, as to bestow on it the exclusive right of giving a national currency. The one is an act of sovereignty as well as the other, and cannot be delegated.

Already we perceive the value of the privileges thus liberally bestowed on the Ohio Loan and Trust Company. It is scarcely yet in operation, and its stock is upwards of twenty per. cent above par. In a few years, it will in all probability, if managed with ordinary sagacity rise to one, nay, two hundred per cent. Other people are glad to get six or seven per cent. for their money and this is all the law allows them. But our legislatures make other laws, granting to a few what is denied to the many, and conferring on them the "vested right" of doubling their capital every few years. Not all the sophistries of interested cupidity, can now persuade the enlightened farmers and labouring classes, that such distributions of privileges are founded in the principles of Equal Rights.

The time we trust is at hand, when their pernicious inroads on the sanctity of individual independence will be arrested in their career, and that preparations must be made to retrace the path pursued for the last twenty or thirty years. The People have spoken, and they must be heard. For ourselves we mean to persevere in our endeavours to draw public attention to this most important of political subjects. Not all the clamours of aristocracy, nor the treacherous attacks of pretended friends, shall drive us from the stand we have made in behalf of the Equal Rights of the People. With them we have made common cause, and with them we mean to stand or fall.

### THE MONOPOLY BANKING SYSTEM.

[From the *Evening Post*, December, 1834.]

It is a source of sincere pleasure to us to perceive that the attention of the people is seriously awakened to the subject of the Bank system, as it exists in this country. It seems to us quite evident that the sentiment is daily gaining ground that the whole system is erroneous—wrong in principle and productive of incalculable evils in its practical operation. Those who have been readers of the *Evening Post*, for the last six or eight months, have had this subject fully and freely discussed, not only in articles from our own pen, but in numerous excellent communications from able correspondents, and, more especially, in the clear, comprehensive, and unanswerable essays of Mr. George, which, with the author's permission, we copied from his admirable work on *American Banking*. Those who perused these various productions, with the attention which the important and interesting nature of the subject required, have possessed



themselves of sufficient materials for the formation of a correct opinion ; and we have the satisfaction of knowing that very many of our readers concur fully with us in the sentiments we entertain with regard to our banking system.

We look upon that system as wrong in two of its leading principles : first, we object to it as founded on a species of monopoly ; and secondly, as supplying a circulating medium which rests on a basis liable to all the fluctuations and contingencies of commerce and trade—a basis which may at any time be swept away by a thousand casualties of business, and leave not a wreck behind. There are many other objections incident to these, some of which present themselves in forms which demand the most serious consideration.

Our primary ground of opposition to banks as they at present exist is that they are a species of monopoly. All corporations are liable to the objection that whatever powers or privileges are given to them, are so much taken from the government of the people. Though a state legislature may possess a constitutional right to create bank incorporations, yet it seems very clear to our apprehension that the doing so is an invasion of the grand republican principle of Equal Rights—a principle which lies at the bottom of our constitution, and which, in truth, is the corner-stone both of our national government, and that of each particular state.

Every charter of incorporation, we have said, is, to some extent, either in fact or in practical operation, a monopoly ; for these charters invariably invest those upon whom they are bestowed with powers and privileges which are not enjoyed by the great body of the people. This may be done by merely combining larger amounts of capital than unincorporated individuals can bring into competition with the chartered institution ; but the end is

more frequently effected by the more palpably unjust process of exonerating the chartered few from liabilities to which the rest of the community are subject, or by prohibiting the unprivileged individual from entering into competition with the favoured creature of the law.

When a legislative body restrains the people collectively from exercising their natural right of pursuing a certain branch of business, and gives to particular individuals exclusive permission to carry on that business, they assuredly are guilty of a violation of the republican maxim of Equal Rights, which nothing but the plainest paramount necessity can at all excuse. This violation is the more palpable, when immunities are granted to the few, which would not have been enjoyed by the people, had their natural rights never been restricted by law. In the case of Bank incorporations such is clearly true; since those who are thus privileged are protected by their charters both from the competition of individuals, and from loss to any greater extent than the amount of capital they may risk in the enterprise—a protection which would have been enjoyed by no member of the community, had the law left banking on the same footing with other mercantile pursuits. As a monopoly, then—as a system which grants exclusive privileges—which is at variance with the great fundamental doctrine of democracy—we must oppose Bank incorporations, unless it can be shown that they are productive of good which greatly counterbalances the evil.

A second objection to our banking system is that it is founded on a wrong basis—a basis that does not afford adequate security to the community; since it not only does not protect them from loss by ignorant or fraudulent management, but not even from those constantly recurring commercial revulsions, which, indeed, are one of the evil fruits of this very system. The basis of our

banking business is specie capital ; yet every body knows that the first thing a bank does, on going into operation, (if we suppose the whole capital to have been honestly paid in, which is very far from being always the case) is to lend out its capital ; and the profits of the institution do not commence until, having loaned all its capital, it begins to loan its credit as money. No set of men would desire a bank charter merely to authorize them to lend their money capital at the common rate of interest ; for they would have no difficulty in doing that, without a charter, and without incurring the heavy expense incident to banking business. *The object of a bank charter is to enable those holding it to lend their credit at interest,* and to lend their credit too, to twice, and sometimes three times, the amount of their actual capital. In return, then, for its capital, and for the large amount of promissory obligations issued on the credit of that capital, the Bank holds nothing but the liabilities of individual merchants and other dealers. It must be evident then that its capital is liable to all the fluctuations and accidents to which commercial business is exposed. Its integrity depends upon the ability of its dealers punctually to discharge their obligations. Should a series of commercial disasters overwhelm those dealers, the capital of the Bank is lost, and the bill holder, instead of money, finds himself possessed of a mere worthless and broken promise to pay.

Let us trace the progress of a new banking institution. Let us imagine a knot of speculators to have possessed themselves, by certain acts of collusion, bribery, and political management, of a bank charter ; and let us suppose them commencing operations under their corporate privileges. They begin by lending their capital. After that, if commercial business is active, and the demand for money urgent, they take care to put as many of their

notes in circulation as possible. For awhile this does very well, and the Bank realizes large profits. Every thing seems to flourish ; merchants extend their operations ; they hire capacious stores, import largely from abroad, sell to country dealers on liberal terms, get the notes of those dealers discounted, and extend themselves still further. Others, in the meanwhile, stimulated by this same appearance of commercial prosperity, borrow money (that is notes) from the Bank, and embark in enterprises of a different nature. They purchase lots, build houses, set railway and canal projects on foot, and every thing goes on swimmingly. The demand for labour is abundant, property of all kinds rises in price, and speculators meet each other in the streets, and exult in their anticipated fortunes.

But by and by things take a different turn. The exports of the country (which furnish the true measure of business) are found to fall greatly short of the amount due abroad for foreign fabrics, and a large balance remains unpaid. The first intimation of this is the rapid advance in the price of foreign exchange. The bank now perceives that it has extended itself too far. Its notes, which, until now, circulated currently enough, begin to return in upon it in demand for specie ; while, at the same time, the merchants, whom it has been all along eager to serve, now call for increased accommodations. But the Bank cannot accommodate them any longer. Instead of increasing its loans, it is obliged to require payment of those which it had previously made ; for its own notes are flowing in a continual stream to its counter, and real money is demanded instead. But real money it has none, as that was all lent out when it first went into operation. Here then a sudden check is given to the seeming prosperity. The merchants, unable to get the amount of accommodation necessary to sustain

their operations, are forced to suspend payment. A rumour of the amount lost by the Bank in consequence of these failures, causes confidence in its solvency to be impaired, and being threatened with a run, it resorts to a still more rapid curtailment. Then follows wider derangement. One commercial house after another becomes bankrupt, and finally the Bank itself, by these repeated losses forced to discontinue its business, closes its doors, and hands over its affairs for the benefit of its creditors. Who are its creditors? Those who hold *its money*, that is, its "*promises to pay*." On investigation it is discovered, most likely, that the whole capital of the institution has been absorbed by its losses. The enormous profits which it made during the first part of its career, had been regularly withdrawn by the stockholders, and the deluded creditor has nothing but a worthless bit of engraved paper to show for the valuable consideration which he parted with for what he foolishly imagined money.

What we have here stated can hardly be called a supposititious case—it is a true history, and there are events within the memory of almost every reader of which it is a narrative almost literally correct.

The basis of our banking system, then, if liable to be thus easily dissipated, is certainly wrong. Banks should be established on a foundation which neither panic nor mismanagement, neither ignorance nor fraud, could destroy. The bill-holder should always be secure, whatever might become of the stock-holder. That which is received as money, and which is designed to pass from hand to hand as such, should not be liable to change into worthless paper in the transition.

A very important objection incident to the banking system of this country is the demoralizing effect which it exercises on society. It is a matter of the utmost notoriety that bank charters are in frequent instances obtained



by practices of the most outrageous corruption. They are conceived in a wild spirit of speculation; they are brought into existence through the instrumentality of bribery and intrigue; and they exercise over the community the most unsalutary influence, encouraging men of business to transcend the proper limits of credit, and fostering a general and feverish thirst for wealth, prompting the mind to seek it by other than the legitimate means of honest, patient industry, and prudent enterprise. Let any man who has had an opportunity of observing the effect of introducing a banking institution, into a quiet country town, on the moral character of the inhabitants, answer for himself if this is not true. Let any man, whose knowledge enables him to contrast a portion of our country where banks are few, with another where they are numerous, answer if it is not true. Let any man whose memory extends so far back that he can compare the present state of society with what it was in the time of our fathers, answer if it is not true. The time was when fraud in business was as rare—we were about to say—as honesty is now. The time was when a failure was a strange and unfrequent occurrence; when a bankrupt excited the sympathy of the whole community for his misfortunes, or their censure for his rashness, or their scorn for his dishonesty. The banking system has made insolvency a matter of daily occurrence. It has changed the meaning of words, it has altered the sense of things, it has revolutionized our ethical notions. Formerly, if a man ventured far beyond his depth in business—if he borrowed vast sums of money to hazard them in doubtful enterprises—if he deluded the world by a system of false shows and pretences, and extended his credit by every art and device—formerly such a man was called rash and dishonest, but we now speak of him as enterprising and ingenious. The man whose ill-planned specu-

lations miscarry—whose airy castle of credit is suddenly overturned, burying hundreds of industrious mechanics and labourers under its ruins—such a man would once have been execrated ; he is now pitied ; while our censure and contempt is transferred to those who are the victims of his fraudulent schemes.

For its political effect, not less than moral, our bank system deserves to be opposed. It is essentially an aristocratic institution. It bands the wealthy together, holds out to them a common motive, animates them with a common sentiment, and inflates their vanity with notions of superior power and greatness. The bank system is maintained out of the hard earnings of the poor ; and its operation is to degrade them in their political rights, as much as they are degraded in a pecuniary respect, by the accident of fortune. Its tendency is to give exclusive political, as well as exclusive money privileges to the rich. It is in direct opposition to the spirit of our constitution and the genius of the people. It is silently, but rapidly, undermining our institutions ; it falsifies our grand boast of political equality ; it is building up a privileged order, who, at no distant day, unless the whole system be changed, will rise in triumph on the ruins of democracy.

Even now, how completely we are monopoly-governed ! how completely we are hemmed in on every side, how we are cabined, cribb'd, confined, by exclusive privileges ! Not a road can be opened, not a bridge can be built, not a canal can be dug, but a charter of exclusive privileges must be granted for the purpose. The sum and substance of our whole legislation is the granting of monopolies. The bargaining and trucking away chartered privileges is the whole business of our law makers. The people of this great state fondly imagine that they govern themselves ; but they do not ! They are led about by the unseen but strong bands of chartered companies.

They are fastened down by the minute but effectual fetters of banking institutions. They are governed by bank directors, bank stockholders, and bank minions. They are under the influence of a power whose name is Legion—they are under the influence of bank monopolies, with a host of associate and subordinate agents, the other incorporated companies, depending on bank assistance for their means of operation. These evil influences are scattered throughout our community, in every quarter of the state. They give the tone to our meetings; they name our candidates for the legislature; they secure their election; they control them when elected.

What then is the remedy for the evil? Do away with our bad bank system; repeal our unjust, unsalutary, undemocratic restraining law; and establish, in its stead, some law, the sole object of which shall be to provide the community with security against fraud. We hope, indeed, to see the day when banking, like any other mercantile business will be left to *regulate itself*; when the principles of free trade will be perceived to have as much relation to currency as to commerce; when the maxim of *Let us alone* will be acknowledged to be better, infinitely better, than all this political quackery of ignorant legislators, instigated by the grasping, monopolizing spirit of rapacious capitalists. This country, we hope, we trust, is destined to prove to mankind the truth of the saying, that *the world is governed too much*, and to prove it by her own successful experiment in throwing off the clogs and fetters with which craft and cunning have ever contrived to bind the mass of men.

But to suit the present temper of the times, it would be easy to substitute a scheme of banking which should have all the advantages of the present one, and none of its defects. Let the restraining law be repealed; let a law be substituted, requiring simply that *any person enter-*

ing into banking business shall be required to lodge with some officer designated in the law, real estate, or other approved security, to the full amount of the notes which he might desire to issue ; and to secure, that this amount should never be exceeded, it might be provided that each particular note should be authenticated by the signature of the comptroller, or other officer entrusted with the business. Another clause might state suitable provisions for having the securities re-appraised, from time to time, so that bill holders might be sure that sufficient unalienable property was always pledged for the redemption of the paper currency founded upon that basis. Banking, established on this foundation, would be liable to none of the evils arising from panic ; for each holder of a note would, in point of fact, hold a title-deed of property to the full value of its amount. It would not be liable to the revulsions which follow overtrading, and which every now and then spread such dismay and ruin through commercial communities ; for when bankers are left to manage their own business, each for himself, they would watch the course of trade, and limit their discounts accordingly ; because if they extended them beyond the measure of the legitimate business of the country, they would be sure that their notes would return upon them in demand for the precious metals, thus forcing them to part with their profits, in order to purchase silver and gold to answer such demand.

But much as we desire to see the wretched, insecure, and, in a political view, dangerous banking system superseded by the more honest and equal plan we have suggested, we would by no means be considered as the advocates of sudden or capricious change. All reformations of the currency—all legislation, the tendency of which is to disturb the relations of value, should be slow, well considered and gradual. In this hasty and unpre-

meditated article, we have glanced at the system which we desire may ere long take the place of the present one, and have rapidly adverted to some of the reasons which render the change desirable. But as a first step towards the consummation, we should wish the legislature to do nothing more at present than restrain the issue of notes under five dollars, and refuse to charter any more banks. The people demand it, and we do not think that the public sentiment is in favour of any further immediate reformation. As to the prospective legislation which is proposed by some, we think it anti-republican and unwise. We would not take advantage of any present movement of the public mind to fasten a law upon the state, which public sentiment may not afterwards sustain. The same influence of public opinion which, is now about to lead to the long-desired *first step* in Bank reform, will be potent in carrying on the reformation to the desired conclusion. A good maxim, and one which it will be well to be governed by in this matter, is *festina lente*.

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### RICH AND POOR.

[From the *Evening Post* of December 6, 1834.]

The rich perceive, acknowledge, and act upon a common interest, and why not the poor? Yet the moment the latter are called upon to combine for the preservation of their rights, forsooth the community is in danger! Property is no longer secure, and life in jeopardy. This cant has descended to us from those times when the poor and labouring classes had no stake in the community, and no rights except such as they could acquire by force. But the times have changed, though the cant remains the same. The scrip nobility of this Republic have

adopted towards the free people of this Republic the same language which the Feudal Barons and the despot who contested with them the power of oppressing the people, used towards their serfs and villains, as they were opprobiously called.

These would-be lordlings of the Paper Dynasty, cannot or will not perceive, that there is some difference in the situation and feelings of the people of the United States, and those of the despotic governments of Europe. They forget that at this moment our people, we mean emphatically the class which labours with its own hands, is in possession of a greater portion of the property and intelligence of this country, ay, ten times over, than all the creatures of the paper credit system put together. This property is indeed more widely and equally distributed among the people than among the phantoms of the paper system, and so much the better. And as to their intelligence, let any man talk with them, and if he does not learn something it is his own fault. They are as well acquainted with the rights of person and property, and have as just a regard for them, as the most illustrious lordling of the scrip nobility. And why should they not? Who and what are the great majority of the wealthy people of this city—we may say of this country? Are they not (we say it not in disparagement, but in high commendation) are they not men who began the world comparatively poor with ordinary education and ordinary means? And what should make them so much wiser than their neighbours? Is it because they live in better style, ride in carriages, and have more money—or at least more credit than their poorer neighbours? Does a man become wiser, stronger, or more virtuous and patriotic, because he has a fine house over his head? Does he love his country the better because he has a French cook, and a box at the opera? Or does he grow more

learned, logical and profound by intense study of the day-book, ledger, bills of exchange, bank promises, and notes of hand ?

Of all the countries on the face of the earth, or that ever existed on the face of the earth, this is the one where the claims of wealth and aristocracy are the most unfounded, absurd and ridiculous. With no claim to hereditary distinctions ; with no exclusive rights except what they derive from monopolies, and no power of perpetuating their estates in their posterity, the assumption of aristocratic airs and claims is supremely ridiculous. To-morrow they themselves may be beggars for aught they know, or at all events their children may become so. Their posterity in the second generation will have to begin the world again, and work for a living as did their forefathers. And yet the moment a man becomes rich among us, he sets up for wisdom—he despises the poor and ignorant—he sets up for patriotism : he is your only man who has a stake in the community, and therefore the only one who ought to have a voice in the state. What folly is this ? And how contemptible his presumption ? He is not a whit wiser, better or more patriotic than when he commenced the world, a waggon driver. Nay not half so patriotic, for he would see his country disgraced a thousand times, rather than see one fall of the stocks, unless perhaps he had been speculating on such a contingency. To him a victory is only of consequence, as it raises, and a defeat only to be lamented, as it depresses a loan. His soul is wrapped up in a certificate of scrip, or a Bank note. Witness the conduct of these pure patriots, during the late war, when they, at least a large proportion of them, not only withheld all their support from the Government, but used all their influence to prevent others from giving their assistance. Yet these are the people who alone have a stake in the

community, and of course exclusively monopolize patriotism.

But let us ask what and where is the danger of a combination of the labouring classes in vindication of their political principles, or in defence of their menaced rights? Have they not the right to act in concert, when their opponents act in concert? Nay, is it not their bounden duty to combine against the only enemy they have to fear as yet in this free country, monopoly and a great paper system that grinds them to the dust? Truly this is strange republican doctrine, and this is a strange republican country, where men cannot unite in one common effort, in one common cause, without rousing the cry of danger to the rights of person and property. Is not this a government of the people, founded on the rights of the people, and instituted for the express object of guarding them against the encroachments and usurpations of power? And if they are not permitted the possession of common interest; the exercise of a common feeling; if they cannot combine to resist by constitutional means, these encroachments; to what purpose were they declared free to exercise the right of suffrage in the choice of rulers, and the making of laws?

And what we ask is the power against which the people, not only of this country, but of almost all Europe, are called upon to array themselves, and the encroachment on their rights, they are summoned to resist? Is it not emphatically, the power of monopoly, and the encroachments of corporate privileges of every kind, which the cupidity of the rich engenders to the injury of the poor?

It was to guard against the encroachments of power, the insatiate ambition of wealth that this government was instituted, by the people themselves. But the objects which call for the peculiar jealousy and watchfulness of the people, are not now what they once were. The cau-



tions of the early writers in favour of the liberties of mankind, have in some measure become obsolete and inapplicable. We are menaced by our old enemies, avarice and ambition, under a new name and form. The tyrant is changed from a steel-clad feudal baron, or a minor despot, at the head of thousands of ruffian followers, to a mighty civil gentleman, who comes mincing and bowing to the people with a quill behind his ear, at the head of countless millions of magnificent *promises*. He promises to make every body rich ; he promises to pave cities with gold ; and he promises to pay. In short he is made up of promises. He will do wonders, such as never were seen or heard of, provided the people will only allow him to make his promises, equal to silver and gold, and human labour, and grant him the exclusive benefits of all the great blessings he intends to confer on them. He is the sly, selfish, grasping and insatiable tyrant, the people are now to guard against. A CONCENTRATED MONEY POWER ; a usurper in the disguise of a benefactor ; an agent exercising privileges which his principal never possessed ; an impostor who, while he affects to wear chains, is placed above those who are free ? a chartered libertine, that pretends to be manacled only that he may the more safely pick our pockets, and lord it over our rights. This is the enemy we are now to encounter and overcome, before we can expect to enjoy the substantial realities of freedom.

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## REVOLUTIONARY PENSIONERS.

[From the *Evening Post* of Dec. 8, 1834.]

In the proceedings of the Board of Assistant Aldermen, on Monday evening last, as reported in the morning papers, and copied into this journal, there occurred the following passage :

“ Assistant Alderman Tallmadge moved that the Board now take up the report of the special committee, relative to the relief of the surviving Revolutionary soldiers residing in the city and county of New-York. When the last Pension List was made out, the number amounted to one hundred and thirty-seven—but some, since then, had left the city, and others had joined the companions of their youth, in the cold and quiet grave, so that the number left is less than one hundred. He moved that one hundred dollars be paid out of the city treasury on the 1st January next, to every surviving officer and soldier of the revolution in the city and county of New-York, now receiving a pension, provided the number does not exceed one hundred. He accompanied it by an eloquent appeal, in which he showed, that while we are rejoicing at the victories of the revolution, we should not forget those in their old age who achieved them.”

Mr. Tallmadge chose, beyond all question, a very fine theme, for the exercise of his oratorical powers, if he possesses any ; and if we are to believe the reporters of the morning papers, there is not a stupid dolt in either board of the city council who does not evince the eloquence of a Tully every time he opens his mouth, and draws and stammers out a few sentences of ungrammatical gibberish. Whether Assistant Alderman Tallmadge’s oratory is of this stamp or not we do not profess

to know as we never had the happiness of hearing the gentleman, or seeing him, or having any communication with him, direct or indirect, of any sort or kind whatever. We are bound to suppose, however, that his forensic powers are of a high order: for we do not know in what way else to account for the fact that his wild and unjustifiable proposition should have received, with a single exception, the unanimous support of the whole Board of Assistant Aldermen. The name of the man who voted in the negative ought to have been given. He deserves credit for his independence; he deserves credit for his fidelity to his constituents; he deserves credit for not suffering his common sense and common honesty to be swept away by the torrent of Assistant Alderman Talmadge's - eloquent appeal!"

Let us reflect a moment what this proposition is which the Board of Assistant Aldermen have, with this single exception, unanimously adopted. Why to give away ten thousand dollars of the people's money to such of the revolutionary pensioners as reside in the city of New-York. Does not the plain good sense of every reader perceive that this is a monstrous abuse of the trust confided to our city legislators? Did we send them to represent us in the Common Council that they may squander away the city's treasures at such a lavish rate? Is it any part of their duty to make New-Year's presents? Have they any right under heaven to express their sympathy for the revolutionary pensioners at the city's cost? If they have, where is the warrant for it? Let them point their fingers to the clause in the city charter which authorizes them to lay taxes, that they may be expended again in bounties, rewards and largesses, to class any of them whatever.

Let no reader suppose that in making these remarks, I lack a proper appreciation of the eminent services

rendered to this country, and to the cause of human liberty throughout the world, by those brave and heroic men who achieved our national independence. Doubtless many, very many of them, entered into that contest with no higher motives than animate the soldier in every contest, for whatsoever object undertaken—whether in defence of liberty or to destroy it. But the glorious result has spread a halo around all who had any share in achieving it, and they will go down together in history, to the latest hour of time, as a band of disinterested, exalted, incorruptible and invincible patriots. This is the light in which their sons, at least, the inheritors of their precious legacy of freedom, ought to view them; and they never, while a single hero of that band remains, can be exonerated from the obligations of gratitude which they owe. But we would not, on that account, authorize any usurpation of power by our public servants, under the pretence of showing the gratitude of the community to the time-worn veterans of the revolutionary war.—Every man ought to be his own almoner, and not suffer those whom he has elected for far different purposes, to squander the funds of the public chest, at any rate, and on any object which may seem to them deserving of sympathy. The precedent is a wrong one, and is doubly wrong, inasmuch as the general regard for those for whose benefit this stretch of power is exerted, may lead men to overlook the true character of the unwarrantable assumption.

Let ten thousand—let fifty thousand dollars be given by our city to the revolutionary veterans who are closing their useful lives in the bosom of this community; but let it be given to them without an infringement of those sacred rights which they battled to establish. If the public feeling would authorize such a donation as Mr. Tallmadge exerted his “eloquence” in support of, that same

feeling would prompt our citizens, each man for himself, to make a personal contribution towards a fund which should properly and nobly speak the gratitude of New-York towards the venerable patriots among them. But the tax-payer, who would liberally contribute to such an object, in a proper way, may very naturally object to Mr. Tallmadge thrusting his hand into his pocket, and forcing him to give for what and to whom that eloquent gentleman pleases. If the city owes an unliquidated amount, not of gratitude, but of money, to the revolutionary pensioners, let it be paid by the Common Council, and let Mr. Tallmadge be as eloquent as he pleases, or as he can be, in support of the appropriation. But beyond taking care of our persons and our property, the functions neither of our city government, nor of our state government, nor of our national government, extend. We hope to see the day when the people will jealously watch and indignantly punish every violation of this principle.

That what we have here written does not proceed from any motive other than that we have stated, we trust we need not assure our readers. That, above all, it does not proceed from any unkindness towards the remaining heroes of the revolution, must be very evident to all such as have any knowledge of the personal relations of the writer. Among those who would receive the benefit of Mr. Tallmadge's scheme is the venerable parent of him whose opinions are here expressed. That parent, after a youth devoted to the service of his country, after a long life of unblemished honour, now, in the twilight of his age, and bending under the burden of fourscore years, is indebted to the tardy justice of his Government for much of the little light that cheers the evening of his eventful day. Wanting indeed should we be, therefore, in every sentiment of filial duty and love, if we could

oppose this plan of a public donation, for any other than public and sufficient reasons. But viewing it as an attempt to exercise a power which the people never meant to confer upon their servants, we should be wanting in those qualities of which this donation is intended to express the sense of the community, if we did not oppose it. We trust the resolution will not pass the upper Board.

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### PROTECTION OF COMMERCIAL INTERESTS.

[From the *Evening Post*, Dec. 12, 1834.]

The resolution offered by Mr. Morgan, in the House of Representatives on Tuesday last, instructing the Committee on Commerce to inquire into the expediency of obliging all masters of vessels trading south of the equator to take at least two apprentices with them, does not embrace a sufficiently extensive range of inquiry. Ought not that Committee, or other appropriate ones, standing or special, to inquire into the expediency of obliging all shipwrights to have a certain number of apprentices, "as a means of benefitting the commercial interests of the United States?" The art of ship-building is certainly a very important one to our commercial interests, quite as much so as the art of navigating the southern ocean and catching whales and seals. Then again, there is the rope-making business, which is also important. If that art should be lost, our "commercial interests" would cut but a sorry figure. Ought we not, therefore, to guard against so great a calamity, oblige ropemakers to educate a certain number of apprentices? We should have few sailors if we had no ropes. The raising of hemp, and the manufacture of canvass, are both important to our "commercial interests." Con-

gress had perhaps better look out that the race of hemp-raisers and canvass manufacturers do not become extinct by timely passing a law obliging all now engaged in these pursuits to take apprentices ; for we never heard of but one ship that could lie upon a wind and make headway without canvass, and there is not likely to be another, unless, indeed, steam might supply the place of canvass ; and then the law would only have to be modified so as to transfer the apprentices over to the steam engineer. If Mr. Morgan begins upon this forcing system, and is for doing everything by legislation, he must not stop at south sea ship apprentices. A wide field is open before him. When he comes to expatiate at large in it, however, he may chance to discover that he has started on a wrong principle,—that the old notions of government bounty, protection, prohibition and coercion in matters of trade, are totally exploded by the wisest men and deepest thinkers of the age,—that mankind have discovered at last that they are “governed too much ;—and that the true democratic principle, and the true principle of political economy, is “Let us alone.” It may be proper to add that we do not mean, by our ironical mode of allusion to the subject, the slightest disrespect to Mr. Morgan, for whose character we entertain great regard.

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#### THE FRENCH TREATY—PRESIDENT'S MESSAGE.

[*From the Evening Post, December 15, 1834.*]

WE have heretofore remarked that a great number of the opposition prints, including some most distinguished for the bitterness of their hostility to the present Administration, fully approve of that portion of the President's message which relates to France. All of them, without

exception, so far as we have observed, admit that his statement of the question at issue between the two governments is exceedingly lucid and accurate, and that the conduct of France deserves all the reprehension it has received. But constrained, either by the force of habit, or the force of political malignity, to oppose the Executive at all hazards and on all subjects, there are many prints that assail his proposed measure of reprisals with a bitterness which could hardly be exceeded if France were wholly in the right, and the mere suggestion of a course by no means belligerent were an actual declaration of war. The spectacle of so considerable a portion of the press of a free and enlightened country attacking the Chief Magistrate with the utmost vindictiveness, for simply recommending measures which he deems called for alike by regard for the long-deferred rights of plundered citizens, and by the claims of national honour, would create emotions of a painful kind, had not our vocation long since accustomed us to see partisan writers lose all sense of patriotism in the engrossing sentiment of hostility to the exalted man "who has filled the measure of his country's glory." As it is, we view the effervescence of their rancour with a feeling near akin to indifference; and indeed it is an employment not wholly without amusement to watch the straits to which they are reduced, in order to give some colour of reason to the violent invectives they pour out upon General Jackson's head.

One tribe of opponents, determined to consider the suggested measure of reprisals as tantamount to a declaration of war, straightway fall to counting the costs, and graduate the wickedness of the proposal by a scale of dollars and cents. These ready reckoners, with a facility of calculation surpassing that of Zerah Colburn, have ascertained the exact expense of war, which they set



down at fifty millions of dollars; and hereupon they rail at the President for his enormous profligacy in proposing to spend fifty millions for the recovery of five! France, they acknowledge, has treated us very badly. Our national forbearance, they are obliged to confess, has been shown in an exemplary degree, throughout the whole course of a most protracted and perplexing negotiation; and when that negotiation at last terminated in a treaty, by which the spoiler of our commerce and the plunderer of our citizens agreed to pay us back simply the amount rifled from us many years before, and not even that amount without the concession, on our part, of commercial advantages which she had no right to claim, they admit that to violate such a treaty, in the face of all the honourable obligations which can bind one nation to keep faith with another, is a degree of perfidy that it would be difficult to characterise by too strong a term. But fifty millions of dollars!—there is the rub. The phantom of that large sum of money haunts their imaginations and appals their understanding! To spend fifty millions to coerce France into the payment of one tenth of that sum is a proceeding for which they can find no rule in their political arithmetic. If we could compel France to pay us the debt at an expense of two or three millions, so that we might pocket one or two millions by the operation, these patriotic journals would applaud the undertaking. If we could make money by fighting, they would be the first to cry havoc! and let slip the dogs of war. But the idea of throwing money away for the mere “bubble reputation,” seems to them exceedingly preposterous. National honour is a phrase to which they can attach no import by itself; it must be accompanied by the expression, *national profit*, to give it any significance in their eyes.

We should like to know what opinion these worthies

entertain of the conduct of those men who \*plunged this country in all the horrors of war" on account of a preamble, to use Mr. Webster's explanation of the matter. We allude to the authors of our revolution. It has never been supposed that they counted on making a great deal of money by the enterprise. They pledged their lives, their fortunes and their sacred honour on the issue—and life and fortune many of them forfeited; but none of them their honour! They entered into that contest expecting to endure great hardships, to make great sacrifices, to expend vast treasures, and for what? Not for the purposes of acquiring fifty millions of dollars from England, or five millions; but for the simple acknowledgment of an abstract principle. It was enough for them that the principle of liberty was invaded. They did not wait until the consequences of the aggression should call for resistance. They thought, as Mr. Webster has truly and eloquently represented (though for an unhallowed purpose!) that "whether the consequences be prejudicial or not, if there be an illegal exercise of power, it is to be resisted."

"We are not to wait" (let us borrow the language of a man whose words have the weight of law with the opponents of the President) "till great public mischiefs come; till the government is overthrown; or liberty itself put in extreme jeopardy. We should not be worthy sons of our fathers, were we so to regard great questions affecting the general freedom. Those fathers accomplished the Revolution on a strict question of principle. The Parliament of Great Britain asserted a right to tax the colonies in all cases whatsoever, and it was precisely on this question that they made the Revolution turn. The amount of taxation was trifling, but the claim itself was inconsistent with liberty; and that was, in their eyes enough. It was against the recital of an act of Parlia-

ment, rather than against any suffering under its enactments, that they took up arms. They went to war against a preamble. They fought seven years against a declaration. They poured out their treasures and their blood like water, in a contest, in opposition to an assertion, which those less sagacious, and not so well schooled in the principles of civil liberty, would have regarded as barren phraseology, or mere parade of words. On this question of principle, while actual suffering was yet afar off, they raised their flag against a power to which, for purposes of foreign conquest and subjugation, Rome, in the height of her glory, is not to be compared; a Power which has dotted over the surface of the whole globe with her possessions and military posts; whose morning drum-beat, following the sun, and keeping company with the hours, circles the earth daily with one continuous and unbroken strain of the martial airs of England."

Such was the cause for which our fathers fought, and such the power with which they battled. They were of that metal that on a question of honour or right they did not stop to count the cost. Their minds were thoroughly imbued with the sentiment, that

Rightly to be great  
Is, not to stir without great argument,  
But greatly to find quarrel in a straw,  
Where honour's at the stake.

A portion of their descendants seem to be animated with very different principles. Those who but recently were ready for civil broil, who proclaimed that we were on the eve of a revolution, and on questions which involved mere difference of political opinion—questions which the peaceful weapon of suffrage was fully adequate to decide,—now start back with well-painted horror from

the prospect of strife with a foreign nation, which, after having despoiled our citizens, and trifled with our government, through long years of patient intercession, has at last capped the climax of indignity by the grossest insult which can be offered to a sovereign people ; namely, by the causeless violation of a solemn international pact. But it is discovered that a war with that nation would be attended with expense, and therefore it ought not to be undertaken ! Money, according to these journals, is of more value than honour. Let a foreign nation tread on you and spit on you, and bear it meekly, if it will cost you money to avenge the insult ! Such at least is the precept to be inferred from their remarks.

It is for the purpose of enforcing this precept, we presume, that the public have been treated, in various journals, with highly coloured pictures of the evils of war. Our merchants have been represented as prostrated, our ships rotting at the wharves, our shores lighted with conflagrations, and the ocean incarnadined with slaughter. The tears of widows have streamed through the pens of these pathetic gentlemen, and the cries of orphans have been heard in the clatter of their presses. Pirates and marauders infest every line they write, and the thunders of a naval conflict roar in every paragraph. It is fortunate, however, that the reader can turn from these dismal forebodings to the sober pages of history, and learn how far the truth, in relation to the past, sustains these fancy sketches of the future. What is the fact ? We have passed through two wars with the most formidable power on earth, and yet survive, to prove to France, by force of arms, if it should be necessary, that while we ask nothing that is not clearly right, we will submit to nothing that is wrong.

But this extremity will not be necessary. France has trifled with us, but she will repair the wrong. Should

she not—should she, through the duplicity of her king, or the misapprehension of her deputies, or wilful slight, or any other cause, persist in denying us our right, we even yet propose to pursue only the mildest and most pacific course. The nature of reprisals is too clearly established to need newspaper elucidation. It is unnecessary to load our columns with extracts from Grotius or Puffendorf, from Burlamaqui or Vattel, for the laws of nations rest on the plain principles of equity ; and what can be more obviously just than our right to detain the property of France for the purpose of defraying her acknowledged debt, should she adhere to her strange refusal to comply with her own promise of payment ? Such seizure and detention of property affords a nation no ground for war ; any more than an individual, whose property has been taken by due course of law to satisfy his debts, is furnished by that proceeding with a justification for murder. They, therefore, who treat the proposed measure of reprisals as equivalent to a declaration of war, do great injustice to the character of France ; as if that nation were governed by so unfriendly a feeling towards this young republic, that she would eagerly seize any pretext to fight with us, though all the world must perceive that our Government has claimed nothing but its rights.

That the conduct of France will be so contrary to that liberal spirit which animates her people we can not believe, and shall not, till some stronger evidence is afforded than the predictions of those who are even eager to foretell “war, pestilence, and famine” as the necessary consequences of the administration of a man who has done more to elevate our character abroad, promote our prosperity at home, and revive and secure the great principle of equal liberty than any other man that ever lived in the tide of time. But if war must come of our asserting our rights, let it come ! Much as we should regret, on various ac-

counts, any collision with France, we would not avoid strife even with that country at the expense of national honour or justice. We are prepared for any event. True, certain members of Congress exclaimed with affected horror, "What! plunge into war with an empty treasury!" But heaven grant that we may never have a full treasury. We desire to see no surplus revenue at the disposal of the Government, to be squandered in vast schemes of internal improvements, or prove an apple of discord to rouse the jealousy and enmity of different sections of the country. If we have not the money in the treasury, we have it in the pockets of the people. Our wide and fruitful territory is loaded with abundance. Plenty smiles in every nook and corner of the land. The voice of thanksgiving ascends to heaven from the grateful hearts of millions of happy freemen. Our Government owes not one dollar of public debt, and its credit is unbounded, for its basis is the affections of the people, and its resources are coextensive with their wealth. Let it become necessary again for that Government to maintain its honour at the hazard of war, though it should even be "against a preamble," and we shall again find that a people thoroughly imbued with the principle of liberty are ever ready to pledge their lives, their fortunes, and their sacred honour in support of such a quarrel.

But another objection is found to the President's proposal, that it will build up a national debt. A national debt is certainly a national evil; but it is not the worst evil that can befall a nation. And the argument that we should waive our just claims for indemnity from France, rather than incur the hazard of debt, comes with an ill grace from that party of which it has always been a leading maxim that a national debt is a blessing instead of a curse. This sentiment is entwined with the very heartstrings of aristocracy—if, indeed, aristocracy has a

heart. Its doctrine has always been that a public debt gives solidity to the Government, creates in the bosoms of a vast number of people a strong personal interest in its welfare, consolidates in its favour all the moneyed influence of the country, strengthens its power, and gives permanence to its duration. For the disciples of this school now to cry out against measures which involve the possibility of war, because war would create a public debt, is a degree of hypocrisy and inconsistency which scarcely deserves reply.

There is another ground of objection which strikes us as equally preposterous. They deprecate war lest the power of conducting it should fall into the hands of General Jackson ! And into whose hands, in the name of common sense and common honesty, could such a power be so wisely and advantageously entrusted ? Why, the whole sum and substance of the opposition clamour against the Chief Magistrate, has been on the ground that he is a Military Chieftain—that he was qualified to rule in the camp or battle-field, but was too dictatorial to preside over the peaceful councils of the nation. His talents as a soldier have never been disputed. His sagacity, bravery, alertness, energy are qualities notorious to the world. What ! the war power not to be trusted into the hands of Andrew Jackson ! a soldier almost from his cradle ; a champion who has contended alike against the native savages of our forest and the most disciplined troops of Europe ; who has encountered all sort of foes, and always with success. What, not trust the war-power with the Hero of New-Orleans ? Put up with a gross affront from France, rather than confide our quarrel to a man who, of all men living, is best entitled to the confidence of the people, best qualified to conduct the strife to a prosperous result ! Nothing can exceed the utter absurdity of this objection.

But let it not be lost sight of that all the objections to the suggestions of General Jackson relative to our relations with France, are founded on false assumptions. No "war power," no "discretionary power" is asked. No proposition of a belligerent kind is offered. No menace is held out. His allusions to France are in the kindest and most conciliatory spirit, and the most lively regret is manifested that the failure of that country to perform its solemn covenant has forced upon the Chief Magistrate of this the necessity of adverting to the measures which may become necessary, in case she should show no disposition to redeem her violated faith. The spirit of General Jackson's message is the spirit which we trust this Government will always display to the Governments of other nations. It is neither dictatorial nor submissive; neither boisterous nor wheedling. Calm, temperate, firm, it affords to France no excuse for resentment, and will command the respect and admiration of other foreign nations. We wish that journalists, who, beneath all the scum and crust of party prejudices and passions have the true interest and glory of their country at heart, would adopt a similar tone—

"Let us appear not rash nor diffident:  
Immoderate valour swells into a fault,  
And fear admitted into public counsels,  
Betrays like treason: let us shun them both."

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#### UTOPIA—SIR THOMAS MORE—JACK CADE.

[*From the Evening Post, December 18, 1834.*]

Not many days ago we placed before our readers some pregnant reasons for thinking that the epithet of *Utopian*, which has been applied to the doctrines advanced by this journal on the subject of corporations and other cog-



nate matters, is not, after all, the worst name with which the efforts of a zealous advocate of equal rights may be branded by the aristocratic enemies of that principle. We showed that the word is derived from the title of a speculative work, written by a man of great powers of mind, great purity of life, and great love for the best interests of his fellow-men. Those who are familiar with the history of Sir Thomas More cannot but admire his character. He was a man whose doctrines and whose life were coincident. His very first public act was to place himself in prominent and uncompromising opposition to the rapacious demands of a powerful monarch, though by doing so he brought down on his own parent the most rigorous punishment that unbridled tyranny dared to inflict. He subsequently, with equal boldness and integrity, incurred the resentment of the haughty Wolsey, by strenuously opposing his oppressive measures. Again, when afterwards elevated, under the imperious and licentious Henry the Eighth, to the office of Lord Chancellor of England, he relinquished the seals and retired from that high station, provoking the lasting enmity of the king, rather than consent to his divorce from Catharine of Arragon. And finally, persecuted by the vindictive monarch under various pretences, he at length yielded up his life on the scaffold, preferring death to violating the dictates of his conscience.

Such was the man whose admirable work on Governments, veiled under a thin disguise of fiction, has given to the language a word, which monarchical and aristocratic writers are fond of bandying as expressive of the wildest dreams of visionaries and lunatics. Whether the production deserves such a character from republicans, let those judge who are acquainted with its contents, or who perused the extracts which we placed before our readers. It is a work replete with political truth and wisdom. Many

of its doctrines have since been adopted by the wisest statesmen ; many of them have a conspicuous place in the democratic theory of our Government ; and many others are destined yet to force their way, in spite of the opposition of aristocratic selfishness and pride, not only in this young republic, but in the king-governed nations of the old world.

Reason there is that despots and the parasites of despots should treat such views as the impracticable theories of dreamers and enthusiasts. But in this country, blessed with freedom above all others ; blessed with a Government founded on the broad basis of Equal Rights ; in this country, where the people are the sole source of power, and their equal good its sole legitimate object ; where there are neither lords nor serfs, masters nor bondmen, but where rich and poor, learned and unlearned, proud and humble, move and mingle on one unvarying plane of political equality—in this country we ought to reject the prejudices and cant of other lands, and think, and reason, and act for ourselves.

That all the views of Sir Thomas More are practicable we by no means contend ; and strange indeed would it have been if one living at his time, and under such a constitution of society, could so far have outsoared mankind, as to prefigure a government in all respects adapted to the rights, wants and capacities of man in a state of absolute political and religious freedom. But if his theory of Government is not in all respects sound, it is at least full of important truths ; and the aristocratic abuses which prompted his meditations are accurately and vividly delineated, as are the hydra evils, political and social, of which they constitute the prolific source.

The lesson which his work teaches, then, is highly important, if no other than to guard with sleepless vigilance the great palladium of freedom, the principle of equal

rights ; to guard it against the first insidious approaches of that spirit which is ever seeking to subject the many to the will of the few ; which comes with professions of zeal for the public good on its lips, and with its heart topful of schemes of self-aggrandizement and ambition. Let the people examine well into the true designs of those who betray this suspicious ardour of philanthropy, caring all for the public, and nothing for themselves. When they hear the oft-repeated cant about "stimulating the industry of the country," "developing its vast resources," and the like, let them inquire how much this stimulus is to cost, and let them remember, if it is to be purchased by the surrender of one jot or tittle of their equal privileges, the price is infinitely too dear. These are the sentiments which they will derive from a perusal of Sir Thomas More's excellent work, and let them not fear to entertain and act upon these sentiments, though by doing so they should incur from the aristocracy the epithet of Utopian.

But the opponents of the doctrines we advocate, as if calling names were a certain method of overthrowing our arguments, are not content with stigmatizing our views as Utopian, but bestow the appellation of Jack Cade upon ourselves. Thus an article in the *Courier and Enquirer* of this morning, after grossly misstating the objects for which we contend, and indulging in much groundless abuse, at last closes with what the writer may have supposed the very climax of invective, by designating us as "*the Jack Cade of the Evening Post*."

Here again we see the readiness of our opponents to adopt the aristocratic cant of those countries, the Governments of which repudiate the principle of equal liberty, and exert their powers to concentrate all wealth and privilege in the hands of a few. It is heart-sickening to see men, citizens of this free republic and partakers of its

equal blessings, thus assume without examination, and use without scruple, as terms of reproach, the epithets with which lying historians and panders to royalty have branded those, whose only crime was their opposing, with noble ardour and courage, the usurpations of tyranny, and setting themselves up as assertors of the natural and inalienable rights of their oppressed fellow-men.

Have the editors who use the name of Cade as a word of scorn looked into the history of that heroic man? Have they sifted out, from the mass of prejudice, bigotry and servility, which load the pages of the old chroniclers, the *facts* in relation to his extraordinary career? Have they acquainted themselves with the oppressions of the times; the lawless violence of the nobles; the folly and rapacity of the monarch; the extortion and cruelty of his ministers; and the general contempt which was manifested for the plainest and dearest rights of humanity? Have they consulted the pages of Stow, and Hall, and Hollingshed, who, parasites of royalty as they were, and careful to exclude from their chronicles whatever might grate harshly on the delicate ears of the privileged orders, have yet not been able to conceal the justice of the cause for which Cade contended, the moderation of his demands, or the extraordinary forbearance of his conduct? Have they looked into these matters for themselves, and divesting the statements of the gloss of prejudice and servility, judged of the man by a simple reference to the facts of his conduct, and the nature and strength of his motives? Or have they been content to learn his character from the scenes of a play, or the pages of that king-worshipper, that pimp and pander to aristocracy, the tory Hume, who was ever ready to lick absurd pomp, and give a name of infamy to any valiant spirit that had the courage and true nobleness to stand forward in defence of the rights of his fellow-men?

Let those who use the name of Cade as a term of reproach remember that the obloquy which blackens his memory flowed from the same slanderous pens that denounced as rebels and traitors, and with terms of equal bitterness, though not of equal contumely, the Hampdens and Sydneys of England—glorious apostles and martyrs in the cause of civil liberty! Let them remember, too, that, as the philosophic Mackintosh observes, all we know of Cade is through his enemies—a fact which of itself would impress a just and inquiring mind with the necessity of examination for itself, before adopting the current slang of the aristocracy of Great Britain.

The very name of Jack Cade, if we take the pains to look into contemporary historians, is but a nick-name conferred upon the leader of the Kentish insurrection, in order to increase the obloquy with which it was the policy of Henry the Sixth and his licentious nobles to load the memory of that heroic and treacherously-murdered man. But whatever was his name or origin, and whatever might have been his private motives and character, if we judge of him by the authentic facts of history alone, we shall find nothing that does not entitle him to the admiration of men who set a true value on liberty, and revere those who peril their lives, their fortunes, and their sacred honour to achieve it from the grasp of tyrants, or defend it against their encroachments. Nothing can exceed the grossness of the oppressions under which the people laboured when Cade took up arms. Nothing can exceed the arbitrary violence with which their property was wrested from their hands, or the ignominious punishments which were causelessly inflicted on their persons. The kingdom was out of joint. An imbecile and rapacious monarch on the throne; a band of licentious and factious nobles around him; a parliament ready to impose any exactions on the commons; and all the minor offices of

Government filled with a species of freebooters, who deemed the possession of the people their lawful prey—in such a state of things, the burdens under which the great mass of Englishmen laboured must have been severe in the extreme.

If Cade was the wretched fanatic which it has pleased the greatest dramatic genius of the world (borrowing his idea of that noble rebel from old Hollingshed) to represent him, how did it happen that twenty thousand men flocked to his standard the moment it was unfurled? How did it happen that his statement of grievances was so true, and his demands for redress so moderate, that, even according to Hume himself, “the Council, observing that nobody was willing to fight against men so reasonable in their pretensions, carried the King for safety to Kenilworth?” How did it happen, as related by Fabian, that the duke of Buckingham and the archbishop of Canterbury being sent to negotiate with him, were obliged to acknowledge that they found him “right discrete in his answers; howbeit they could not cause him to lay down his people, and to submit him (unconditionally) unto the king’s grace.” But we need not depend upon the opinions of historians for the reasonableness of his demands. Hollingshed has recorded his list of grievances and stipulations of redress; and let those who think the term Jack Cade synonymous with ignorant and ferocious rebel and traitor, examine it; let them compare it with the grievances which led our fathers to take up arms against their mother country, nor lay them down until they achieved a total separation; let them look at it in reference to what would be their own feelings under a tithe part of the wrongs; and, our life on it, they will pause before they again use the word in such a sense. Nay more: let them follow Cade through his whole career; let them behold him in the midst of insurrection, checking the

natural fierceness of his followers, restraining their passions, and compelling them by the severest orders to respect private property ; see him withdrawing his forces each night from London, when he had taken possession of that city, that its inhabitants might sleep without fear or molestation ; mark him continually endeavouring to fix the attention of the people solely on those great ends of public right and justice for which alone he had placed himself in arms against his king : let them look at Cade in these points of view, and we think their unfounded prejudices will speedily give way to very different sentiments.

Follow him to the close of his career ; see him deserted by his followers, under a general but deceitful promise of pardon from the Government ; trace him afterwards a fugitive through the country with a reward set upon his head, in violation of the edict which but a few days before had dissolved him of the crime of rebellion on condition of laying down his arms ; behold him at last entrapped by a wretch and basely murdered ; weigh his whole character as exhibited by all the prominent traits of his life and fortune, remembering too that all you know of him is from those who dipped their pens in ink only to blacken his name ! and you will at last be forced to acknowledge that instead of the scorn of mankind, he deserves to be ranked among those glorious martyrs, who have sacrificed their lives in defence of the rights of man. The derision and contumely which have been heaped on Cade, would have been heaped on those who achieved the liberty of this country, had they been equally unsuccessful in their struggle. It ill then becomes republicans, enjoying the freedom which they achieved, admiring the intrepidity of their conduct, and revering their memory, to use the name of one who sacrificed his life in an ill-starred effort in defence of the same glorious and univer-

sal principles of equal liberty, as a by-word and term of mockery and reproach.

Cade was defeated, and his very name lies buried underneath the rubbish of ages. But his example did not die ;

For freedom's battle once begun,  
Bequeathed from bleeding sire to son,  
Though often lost is ever won.

Those who are curious in historical research may easily trace the influence of the principles which Cade battled to establish, through succeeding reigns. If they follow the stream of history from the sixth Henry downwards, they will find that the same sentiments of freedom were continually breaking away from the restraints of tyranny, and that the same grievances complained of by the leader of the Kentish insurrection, were the main cause of all the risings of the Commons, till at last the cup of oppression, filled to overflowing, was dashed to the earth by an outraged people, the power of the throne was shaken to its centre, and the evils under which men long had groaned, were remedied by a revolution.

Let readers not take things upon trust. Let them not be turned away from doctrines which have for their object the more complete establishment of the great principle of equal rights, by the reproachful epithets of aristocratic writers. Let them, above all, not take the worn out slang of other countries as equivalent to argument; but subjecting every thing to the touchstone of good sense and candid examination, try for themselves what is current gold, and what is spurious coin. If they look well into the true meaning of words, they will discover that neither Agrarian nor Utopian is a term of very deep disgrace; that to be called a Jack Cade is rather complimentary than discreditable; and that even the dreaded



name of Jacobin has not half so odious a meaning as people are apt to suppose. In studying the histories of other countries, he shows a true American feeling, who separates facts from the prejudices of the writer, and forms conclusions for himself as to character and events in the great drama of existence.

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TO WILLIAM L. MARCY,

GOVERNOR OF THE STATE OF NEW-YORK.

[*From the Evening Post, Dec. 24, 1834.*]

Recent events have fixed the eyes of the Democracy of this State with great interest upon you. They await your Message with much anxiety. Not even the admirable and truly democratic state paper lately addressed to Congress by the National Executive was perused with greater eagerness and attention, than will be that communication which your duty will soon require you to lay before the Legislature. Circumstances have arisen to create a very extensive apprehension that the will of the people, on a question deeply interesting in its nature, and one on which their sentiments have been clearly expressed, will be disregarded by their servants; and to you, as their chief servant, they look with fear and trembling, lest that confidence which they have expressed by their suffrages in your intelligence and integrity should prove to have been misplaced. We shall not, in a false spirit of courtesy, or unrepugnant strain of adulation, affect to deny that we largely partake of these fears; nor shall we hesitate, with that freedom and frankness which become democrats, looking upon you, not as their master, but as their representative, to lay before you such views as we think ought to govern your conduct on the subject to which we allude.

It is a truth, susceptible of the clearest demonstration that the great body of the people of this state have expressed themselves decidedly opposed to the incorporation of any new banks, and as decidedly in favour of the withdrawal of all bank-notes of a less denomination than five dollars from circulation. A very cursory reference to the proceedings of town and county meetings, previous to the late election, must satisfy any candid mind that this was one of the leading favourite objects of the democracy. Situated where you are, and having necessarily some knowledge of the mode by which those who assume to be "leading politicians" sometimes contrive to stifle the expressions of the people, or weaken their force, or perplex them with ambiguities, you may readily conclude that public sentiment is in reality much more adverse to banks and a small note currency, and the desire for the speedy extinction of the latter is much stronger and urgent than would even appear by the tone of the published proceedings of democratic meetings.

It may not be known to you, however, that, by a fraud of so atrocious a character that no name of infamy would be too strong to apply to it, some of those who take upon themselves the task of guiding and regulating public opinion, have had the hardihood, in certain important instances, to forge resolutions on the subject of banks and currency, and put them forth as a part of the proceedings of Democratic Conventions, though entirely different in their tenor from the resolutions which were really adopted. It may not be known to you, for example, that the proceedings of the Young Men's Herkimer Convention underwent, in very important respects, this audacious mutation. That Convention consisted of a very numerous body of the delegated representatives of by far the largest and most active class of the democracy of this state; and it comprised as much intelligence,

patriotism and discretion, as any assembly of political delegates which was ever convened on any like occasion in our country. What must have been the feelings of those honourable delegates, when the published account of their proceedings was placed in their hands, to perceive resolutions ascribed to them which they never adopted? to see other resolutions, on important subjects, so changed by interpolations and omissions, as to have lost all the force and efficacy of their original tenor? and to find, also, that resolutions, expressing the sense of the meeting on questions of great and pervading interest, had been wholly expunged?

Such was literally the fact! The proceedings of that Convention, as published, were not the proceedings which took place! The account was a forgery! The hand of political knavery had been employed upon it, and had changed the sentiments of the convention to sentiments in accordance with what the "party leaders" had then, no doubt, laid out as the course to be pursued by our legislature on those great questions of state policy which have agitated the public mind for a long time past. We desire to express ourselves explicitly. We distinctly charge that the proceedings of the Young Men's Herkimer Convention *were materially altered in Albany*. We charge, in particular, that the resolution on the subject of the suppression of small notes, and the substitution of a metallic currency, was so transformed, in Albany, by additions and omissions, as to be of very different and far feebler and more qualified import, than was the resolution as passed by the Convention, and transmitted to that place for publication. We charge, also, that another resolution, on a cognate subject, in which the sense of the Convention was strongly expressed against all monopolies whatever, was, by the Albany junta, wholly suppressed.

These are some of the facts which authorize us in saying that the sentiments of the democracy of this State, are much more hostile to banks and a small note currency than might be inferred from the language of their published proceedings. We by no means mean to be considered as intimating that you have had any share in the gross frauds which have been practised upon the people, or that you have been in any degree accessory to them. But it is a fact susceptible of proof, that these frauds have been committed.

Taking it as a point conceded, then, that the sentiments of a vast majority of the people of this state are in favour of the suppression of all bank notes of a smaller denomination than five dollars, let us ask what reasonable pretence can be urged why this measure should be postponed to a future day? Was there ever a time in this country when this reform in our currency could be so easily effected as now? Was there ever a time when such a vast quantity of gold and silver was accumulated in our banking houses, and only restrained from filling up the channels of circulation, and flowing in healthful currents through the country by every vein and artery being previously occupied with the sickly, worthless trash which has so long supplied the place of constitutional money? Our country contains, at this moment, twenty millions of dollars in specie more than it did a twelve-month ago, and the most exaggerated calculation of the amount of our small note currency does not make it more than fifteen millions. The specie which we now have within our control will desert us soon, unless it be detained by the legislative reform which the public voice demands. Paper and gold cannot circulate together. The banks are discounting freely, and the spirit of speculation, recovered from the shock which it received a year ago, is already engaged in hazardous enterprises. Bank

notes are the aliment on which speculation subsists, and there is something in the quality of that nutriment which seems fatal to caution and prudence. Already our merchants are importing largely. Stocks have risen in value, and land is selling at extravagant rates. Every thing begins to wear the highly-prosperous aspect which foretokens commercial revulsion. If nothing should occur to check the "liberality" of the banks, our gold and silver must soon desert us, to pay for the excess of our importations over the amount of our exports. Upon this there will follow rigorous curtailments of discounts on the part of those institutions which are now lavish of their favours. After having pampered the public into commercial extravagance, they will suddenly withdraw their aid, careful to shelter themselves from the evils which their own selfish liberality has occasioned. Deserted in their utmost need, men who have ventured far beyond their depth on the flood of bank credit, will find themselves suddenly overwhelmed, and we shall again see many goodly a merchant stranded on the shore, or lying broken wrecks, on the shoals and quicksands of that treacherous sea. Such will be the inevitable course of things, if nothing occurs to check the dangerous generosity of our banks. If the proposed prohibition of notes of less than five dollars is postponed eighteen months, it will not take place at all. The commercial business of the country in the intermediate time will change the face of affairs. Before eighteen months shall have elapsed, the gold and silver, which have flowed so copiously into our country, in payment of that balance in our favour which the panic of last winter, by checking importation, has so happily occasioned, will have left us by the natural reflux of trade. When we buy more of foreign nations than our cotton, tobacco and flour will pay for, we must discharge the balance of debt with specie. The only way

to keep the necessary quantity of the precious metals among us, is to abolish the small note currency at once. No injustice will be done to the banks by carrying this measure into immediate effect. They have had long warning that the sentiments of the people demanded this reformation, and they know that the wishes of the people are—or rather ought to be—the supreme law. It is to be feared, however, that bank influence will prove stronger than the popular will. It was that influence, and the pretext of the panic, which prevented a law being passed last winter to restrain the banks from issuing the smaller denominations of notes. That influence, and some other groundless pretext, there is too much reason to apprehend, will again be found more potent with our legislators than their duty to their constituents, and to the great and permanent interests of the state. It was our intention to include a summary of the reasons which render it imperative that the State Government should abstain from adding any more banks to our already almost innumerable host; but interruptions which we did not anticipate oblige us to put a hasty end to this article. We shall take the liberty of resuming the subject on an early day.

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## MONOPOLIES.

[*From the Evening Post, December 30, 1834.*]

THIS day week the Legislature will convene at Albany. Seldom has it happened that the meeting of that body has been looked forward to with so much general interest. The Message of Governor Marcy will probably be communicated to both Houses of the Legislature on the first day of the session, and we expect to be able to place it before our readers on the following Thursday. By the sentiments of that Message, will Governor Marcy be tried. They will either raise him in our estimation, and in the estimation of all who are animated by truly democratic principles, to a most enviable height, or sink him to the level of the gross herd of petty, selfish, short-sighted and low-minded politicians. The rare opportunity is presented to him now, by one single act, to inscribe his name among those of the greatest benefactors of mankind. If he should stand forth as the honest, bold, unequivocal asserter of the great principle of Equal Rights, and strenuously recommend to the Legislature to pursue such measures only as are consistent with that principle; if he should urge upon their attention the evil effects of the partial and unequal system of legislation which we have been pursuing for years; if he should illustrate the incompatibility of all acts of special incorporation with the fundamental principle of our Government, and show their tendency to build up a privileged order, and to concentrate all wealth and power in the hands of the few; if he should sternly oppose all further extension of exclusive or partial privileges, and earnestly recommend, instead, the adoption of a general law of joint stock partnerships, by which whatever of truly valuable is now effected by private incorporations might be done by voluntary associations of men, possessing no privileges above their fellow-

citizens, and liable to the same free competition which the merchant, the mechanic, the labourer, and the farmer are, in their vocations—if he should take such a stand, his name would go down to posterity inseparably associated with that of the patriotic and democratic man, who, at the head of the National Government, has done so much to restore to the People their violated rights, and check the course of unequal, aristocratic legislation. If, on the contrary, Governor Marcy should listen to the suggestions of selfish interest or short-sighted policy ; if, through timidity of character or subserviency to the views of unprincipled demagogues, who assume to be the “ leaders ” of the democracy, and claim a right to legislative rewards, he should recommend “ a middle course,” or should cloak his sentiments in ambiguities, or fetter them with qualifications that take from them all force and meaning ; if he should either approve a continuance of the fatal course of legislation which has done so much to oppress the people, or express disapproval of it in such mincing, shuffling, evasive terms as to pass for nothing ; if he should object to the incorporation of more banks, *except in places where more banks are asked for*, and should suggest the propriety of prohibiting the small note currency, *at some future and indefinite period* : if Governor Marcy, instead of realizing the expectations of the honest democracy of the state, should pursue such a trimming, paltry, time-serving course, most completely will he forfeit the high prize of fame which is now within his reach, most blindly will he turn aside from the proud destiny which it is in his power to achieve. We await his message with anxiety, but not without strong hopes.

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## JOINT-STOCK PARTNERSHIP LAW.

[*From the Evening Post, December 30, 1834.*]

THE charters of several incorporated companies in this city are about to expire, and we have several times been asked if this paper, in pursuance of the doctrines we profess, would feel called upon to oppose the renewal of those charters. To this our answer is most unequivocally in the affirmative. We shall oppose, with all our might and zeal, the granting or renewing of any special charter of incorporation whatever, no matter who may be the applicants, or what the objects of the association.

But at the same time, we wish it to be distinctly understood, that we do not desire to break up those incorporated associations the charters of which are about to expire. How so? You would refuse to re-charter them, and thus they would inevitably be broken up. Not at all; as we shall explain.

It is not against the objects effected by incorporated companies that we contend; but simply against the false principle, politically and politico-economically, of special grants and privileges. Instead of renewing the charters of Insurance Companies, or any other companies, about to expire, or granting charters to new applicants, we would recommend the passing of one general law of joint stock partnerships, allowing any number of persons to associate for any object, (with one single temporary exception, which we shall state in the proper place) permitting them to sue and be sued under their partnership name, to be secure from liability beyond the amount of capital invested, to conduct their business according to their own good pleasure, and, in short, to possess all the powers defined by the revised statutes as belonging to corporations. There is nothing not perfectly equitable

in the principle which exempts men from liability to any greater amount than the capital actually invested in any business, provided proper notoriety be given of the extent and circumstances of that investment. If such a law were passed, the stockholders in an insurance company, or the stockholders in any other chartered company, when their corporate privileges were about to expire, would have merely to give the proper public notification of their intention to continue their business in the mode specified in the general joint-stock partnership law, and they might go on precisely the same as if their special privileges had been renewed. The only difference would be that those privileges would no longer be special, but would belong to the whole community, any number of which might associate together, form a new company for the same objects, give due notification to the public, and enter into free competition with pre-existing companies or partnerships ; precisely as one man, or set of associated men, may now enter into mercantile business by the side of other merchants, import the same kinds of goods, dispose of them on the same terms, and compete with them in all the branches of their business.

There has been a great deal said about our ultraism and Utopianism ; and this is the extent of it. By a general law of joint-stock partnerships all the good effects of private incorporations would be secured, and all the evil ones avoided. The humblest citizens might associate together, and wield, through the agency of skilful and intelligent directors, chosen by themselves, a vast aggregate capital, composed of the little separate sums which they could afford to invest in such an enterprise, in competition with the capitals of the purse-proud men who now almost monopolize certain branches of business.

The exception to which we have alluded above, is the business of banking. Our views on this subject were

fully stated yesterday. We would not have banking thrown open to the whole community, until the legislature had first taken measures to withdraw our paper money from circulation. As soon as society should be entirely freed, by these measures, from the habit of taking bank-notes as money, we would urge the repeal of the restraining law, and place banking on as broad a basis as any other business whatever.

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### OBJECTS OF THE EVENING POST.

[*From the Evening Post, January 3, 1835.*]

Those who only read the declamations of the opponents of the Equal Rights of the people, may be induced to believe that this paper advocates principles at war with the very existence of social rights and social order. But what have we asked in the name of the people, that such an interested clamour should be raised against them and us? What have we done or said, that we should be denounced as incendiaries, striking at the very roots of society and tearing down the edifice of property? It may be useful to recapitulate what we have already done, in order that those who please may judge whether or not we deserve these reproaches, from any but the enemies of the equal rights of person and property.

In the first place, in designating the true functions of a good government, we placed the protection of property among its first and principal duties. We referred to it as one of the great objects for the attainment of which all governments were originally instituted. Does this savour of hostility to the rights of property?

In the second place, we maintained that all grants of monopolies, or exclusive or partial privileges to any man, or body of men, impaired the equal rights of the people,

and was in direct violation of the first principle of a free government. Does it savour of hostility to the rights of property to maintain that all property has equal rights, and that exclusive privileges granted to one class of men, or one species of property, impair the equal rights of all the others?

As a deduction from these principles, we draw the conclusion that charters conferring partial or exclusive monopolies on small fractions of society, are infringements on the general rights of society, and therefore that the system ought to be abandoned as soon as possible, as utterly at war with the rights of the people at large. It is here that the shoe pinches, and here the clamour against us will be found to originate. Thousands and tens of thousands of influential individuals, at the bar, on the bench, in our legislative bodies, and everywhere, are deeply interested in the continuance of these abuses. Law-makers, law-expounders and law executors, have invested either their money or their credit in corporations of every kind, and it is not to be wondered at that they should cry out against the abandonment of a system from whence they derive such exorbitant gains.

We are accused of violating vested rights when we ask, in the name of the people, that no more be created, and that all those possessing the means and the inclination, may be admitted, under general regulations, to a participation in the privileges which hitherto have been only enjoyed through the caprice, the favour, the policy, or the corruption, of legislative bodies. We never even hinted at touching those vested rights, until the period to which they had been extended by law had expired, and till it could be done without a violation of legislative faith. We defy any man to point out in any of our arguments on this subject a single idea or sentence that will sustain the charge of hostility to actually vested rights.

Our opposition was prospective, not retroactive ; it was not to present, but to future vested rights.

In attacking a course of policy in the future, do we make war on the past ? In pointing out what we believe errors in former legislation, and recommending their abandonment in future, do we violate any right of property, or recommend any breach of public faith ? Or, in advocating the equal rights of all, do we impair the constitutional rights of any ? It might be well for the clamorous few who assail our principles and our motives with opprobrious epithets, which, though they do not understand their purport themselves, they mean should convey the most dishonourable imputations—it might be well for them to answer these questions before they resort to railing.

One of the greatest supports of an erroneous system of legislation, is the very evil it produces. When it is proposed to remedy the mischief by adopting a new system, every abuse which has been the result of the old one becomes an obstacle to reformatations. Every political change, however salutary, must be injurious to the interests of some, and it will be found that those who profit by abuses are always more clamorous for their continuance than those who are only opposing them from motives of justice or patriotism, are for their abandonment. Such is precisely the state of the question of monopoly at this moment.

Under the abuses of the right to grant exclusive privileges to the few, which is a constructive, if not a usurped power, a vast and concentrated interest and influence has grown up among us, which will undoubtedly be seriously affected in its monopoly of gain from that source, by the discontinuance of their chartered privileges, when they shall expire by their own limitation. The admission of all others having the means and the inclination to associ-

ate for similar purposes, by destroying the monopoly at one blow, will in all probability diminish the prospect of future gains ; and these will be still further curtailed, by at first restricting banks in their issues of small notes and in the amount of notes they are permitted to put into circulation, and finally by repealing the restraining law, and throwing banking open to the free competition of the whole community. These may prove serious evils to the parties concerned ; but it is a poor argument to say that a bad system should be persevered in, least a small minority of the community should suffer some future inconvenience. The magnitude of the evils produced by an erroneous system of legislation, far from being a circumstance in favour of its continuance or increase, is the strongest argument in the world for its being abandoned as soon as possible. Every reformation may in this way be arrested, under the pretence that the evils it will cause are greater than those it will cure. On the same principle the drawing of a tooth might be opposed, on the ground that the pain is worse than that of the tooth-ache, keeping out of sight the fact that the one is a lasting and increasing, the other a momentary evil.

It is the nature of political abuses, to be always on the increase, unless arrested by the virtue, intelligence and firmness of the people. If not corrected in time, they grow up into a gigantic vigour and notoriety which at length enables them to wrestle successfully with the people, and overthrow them and their rights. The possessors of monopolies and exclusive privileges, which form the essence of every bad government, pervert a long perseverance in the wrong, into a political right ; abuses grow venerable by time ; usurpation matures into prescription ; distinctions become hereditary ; and what cannot be defended by reason, is maintained on the ground

that a long continuance of wrongs, and a long possession of rights, are equally sacred.

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### REFUSAL OF THE U. S. BANK TO PRODUCE ITS BOOKS.\*

[*From the Evening Post, May, 13, 1834.*]

The resolution adopted by the popular branch of Congress to appoint a Committee of Investigation to inquire into the affairs and conduct of the United States Bank was passed by a vote of 174 to 41. There has scarcely a question of any kind arisen during the present session which has received the approbation of so large and signal a majority of the House. Rumors have been in circulation for some days past, from the purport of which it was surmised that the managers of the United States Bank were determined to defeat all attempts to investigate the concerns of that corrupt institution, and refuse to remove the veil which conceals their iniquitous transactions. These rumors, however, could not gain entire credit from those who bore in mind how strong was the vote of the House in favour of appointing the Investigating Committee, how explicit were the instructions given them, and how ample the powers with which they were clothed.

It seems, however, that these reports were but too well founded. The Bank has added another act of audacious wickedness to those which had already made it the object of unappeasable detestation and abhorrence to the great body of the People of the United States. It has given another evidence of its determination to rule the country; and as it lately undertook to withhold the public funds from the executive department charged with their custody, and to dictate the law to the President of

\* Several pieces are inserted here out of the order of date.

the United States ; so now it refuses obedience to a resolution of Congress, framed in strict accordance with the terms of its charter, and shutting its books against the Committee of Investigation, sends them back to Washington no wiser than when they left.

We learn this fact from various sources. The Pennsylvanian says, " After a tedious and protracted attempt to induce the Bank to submit amicably to an investigation legally ordered and emanating from the direct representatives of the people, it was found necessary at last to serve a *subpœna duces tecum* upon the President, Directors, &c. of the United States Bank, to bring them and the requisite books and papers of the institution before the committee, then sitting at the North American Hotel. The officers so summoned made their appearance before the committee, and **FORMALLY REFUSED EITHER TO TESTIFY, OR TO PRODUCE THE BOOKS AND PAPERS, IN EFFECT DENYING THE AUTHORITY OF THE COMMITTEE AND DISCLAIMING ALL RESPONSIBILITY TO THE REPUBLIC AND ITS SERVANTS!** The refusal being peremptory, the only course left to the committee was an immediate adjournment."

The proceedings referred to in the foregoing paragraph took place on Saturday last. The committee of Investigation adjourned, we understand, to meet again in Washington, on Thursday next, when, it is presumed, a full official report of their whole proceedings and those of the Bank will be submitted to Congress and laid before the people of the United States.

Nothing has occurred in the whole history of this powerful and dangerous monopoly which equals in arrogance this high-handed and startling proceeding. Its bribery and corruption, extensively as it has been practised, was meant to operate in secret. Its resistance to the Executive authority, in the matter of the pension fund, was offered under the pretence of obedience to the law. But



in its refusal to submit to the investigations of the Committee of Congress, there is no plea to justify or extenuate its audacity; and we can look upon this instance of monstrous and unheard of arrogance in no other light than as the result of a conviction entertained by the Bank that the power of its gold has at length prevailed, and that what with direct bribery, what with indirect corruption, and what with pecuniary coercion, it has obtained the mastery over the American people. We shall be greatly mistaken, however, if this last exhibition of autocratic arrogance does not arouse the indignation of the people to the highest pitch. We have miscalculated the moral sense of our fellow-countrymen if they can tamely brook the audacious conduct on the part of a money corporation, thus openly and insolently setting all law and all authority at defiance.

The clause in the charter of the Bank, by which Congress reserved to itself the power to examine into the affairs and management of that institution is clear and explicit. The twenty-third section of the act of 1816 chartering the United States Bank, is in the following words: "That it shall, at all times, be lawful for a committee of either House of Congress, appointed for that purpose, to inspect the books, and examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been, by the same, violated or not."

With regard to the particulars of the conduct of the President and Directors of the United States Bank towards the Investigating Committee we have heard several verbal reports, of which the following paragraph, given in a postscript of the Albany Argus, contains the substance. The extreme arrogance of the bank, and the unlawfulness of the pretence it set up, may be inferred from the course adopted by the Committee, who would

not have relinquished the investigation and returned to Washington, had the Bank attempted to prevent their investigation by no other means than those which its charter authorizes it to use.

"The Committee soon after their appointment," says the Albany Argus, "assembled in Philadelphia, and demanded the usual convenience of a room in the Bank for the examination of the books and accounts of the bank. This was refused, except upon the condition that a committee of seven of the directors should be present at all examinations of the books, and it was also refused to allow copies or extracts to be taken. The committee then adjourned to a room in one of the hotels, and demanded that the books be sent thither. This was also refused; but a proposition made on the part of the Bank to allow an examination of the books in the bank and in the presence of the officers of the institution. The committee, anxious to fulfil the duties of their appointment, accepted the proposition, and proceeded to the Bank; when Mr. Biddle refused to allow an examination of the books, unless the object of such examination of the particular books were stated in writing. A compliance with such extraordinary terms, was of course inadmissible; and the committee returned to their room, and directed subpoenas to issue for the appearance before them of the president and directors, with the books of the bank. The subpoenas were served by the marshal, and the president and directors appeared, but refused the books, and refused to be sworn or to give evidence. The committee of course, had no alternative but to return to the seat of government which they were to do, we learn, on Monday."

Nothing but the consciousness of damning guilt—nothing but the fear that practises of the most enormous and flagitious corruption would be detected—nothing but the apprehension that its vast and wicked schemes were

about to be laid before the American People, could have prevailed upon the Bank of the United States to act as it has done towards the Committee of Investigation. If its conduct had been pure—if its business had been honestly conducted—if its condition was solvent—if it had acted in conformity with the provisions of its charter—what need was there to shun investigation? Guilt shrinks in holes and corners, but an upright man stands boldly forth in the light of day. The course which the Bank has adopted must alienate those (if any there were) who have hitherto believed in its integrity. This effect, indeed, is said already to have taken place.

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### REFUSAL OF THE U. S. BANK TO PRODUCE ITS BOOKS.

[*From the Evening Post of May 31, 1834.*]

“ Button button, who’s got the button ?”

Our readers will doubtless recollect an old play of this name among the amusements of their youthful days, but probably never anticipated it would be played by such dignified personages as the President and Directors of the Bank of the United States. It will be seen by a perusal of the documents accompanying the Report of the Committee of Investigation, that they were as much puzzled to find out who had the custody of the Bank books, as we have often been to find who had the button. The books of the ancient sibyls were not more difficult of access than those of the Bank of the United States. When application was made by the Committee to the President, it was found they were not in his custody. When asked what clerks had charge of particular books, it was replied none; and when the Directors had a similar question put to them, they could not be brought to

confess that these books were in their possession, or under their control. In reading this correspondence, we are strongly reminded of the fable of the two corporate gentlemen, who went into a butcher's shop and stole a piece of beef, and can scarcely refrain from adopting the same opinion with the honest butcher.

But it not only appears that no person has charge of the books of the Bank, but there are moreover strong indications in this correspondence that nobody represents the Bank itself, or is responsible for its proceedings. The committee address a letter to Mr. Biddle, and are answered by Mr. Sergeant. They write to Mr. Sergeant, and presto! Mr. Biddle responds, or in default of Mr. Biddle, Monsieur Jaudon volunteers. In this way the committee are bandied about from one to another, until they become as much puzzled to find out the rogue, as the honest butcher in the fable. All that they, or we, can gather from this inextricable jumble is, that nobody has the custody of the books, and that nobody represents the Bank or is responsible for its proceedings. Whether the President, the Cashier, the Directors, or the Clerks, constitute this extraordinary body corporate, is a profound mystery. The President, we all know, wields the whole power of the Bank, but the responsibility for its exercise is, for all we know, in the man of the moon. They have got the button among them, that is certain, but the fortunaté possessor has not yet been detected.

The Bank reminds us, in truth, of that race of mischievous amphibious animals, called water rats, which are neither amenable to the laws of the land, nor the laws of the sea. When detected in rifling the house they take shelter in the docks; and when routed thence ensconce themselves in the cellar. The very best mousers are at fault, and the rats escape with impunity. Whether they have any learned counsel to aid or abet them, we

cannot say, but rather apprehend that such is the case, since all experience verifies the fact, that no rogue will ever lack a pettifogger, who has discretion enough to steal a cheese for a fee.

The truth is, that such corporate bodies as the Bank of the United States, being founded on no general principle of law, are in fact amenable to none, and always escape the responsibility of their illegal acts by the aid of shuffling chicanery, stimulated by the ample means of remuneration in their possession. Legal opinions may be bought like any other commodity, and so may the men who sell them, if the price is proportioned to the dignity and value of the purchase. Having neither souls nor bodies, corporations cannot be brought to a sense of shame by exposure, nor to a sense of justice by the fear of punishment. They can neither feel disgrace nor smart under corporeal infliction. They belong to no genus of animals; are subject to none of the laws of nature and society; and when justice seeks to lay hold of them, it finds that it has grasped at a shadow. Even High Constable Hays, the terror of all evil doers, would be at fault in hunting such game. They are private citizens, one moment asserting their natural and constitutional rights; the next a corporate body, sheltering itself in the obscurity of its equivocal being, and claiming the privilege of exemption from the duties and responsibilities of private individuals. Thus dodging about from side to side, and availing itself of pettifogging subtleties, a full purse, and a brazen face, the Bank of the United States has hitherto baffled the scrutiny of the public inquest, defied the constituted authorities of the nation, and triumphed in the impunity of detected yet unpunished guilt.

But there is one great and omnipotent tribunal it cannot evade—the tribunal of the sovereign people of the United States. To that tribunal it must come at last,

and by that tribunal it will be condemned to annihilation.

You cannot **FEE THEM**—they are too virtuous to be corrupted by bribes, and if they were not so, too numerous to be bribed. A few of their leaders may be seduced by the temptations of ambition and avarice combined ; but a nation of freemen, never yet bowed their necks to the yoke, even though it were of solid gold. The doom of the Bank of the United States is sealed ; the condemnation is in the mouths and hearts of the American people ; and the evils inflicted upon them by that powerful, unprincipled corporation, will be amply repaid by the deep detestation they will ever afterwards feel for such a dangerous and unconstitutional monopoly.

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### THE BANK PARTY.

[*From the Evening Post of June 12, 1834.*]

WHOEVER is an observer of the signs of the times must have noticed the earnest and painful efforts of the Bank party to rid themselves of that appellation. They have recently been endeavouring with great zeal to persuade the world that they are not partizans of the United States Bank ; that the re-charter of that institution is a matter of secondary consequence with them ; and the chief object of their warfare with the democracy of the country is to rescue the Constitution from the hands of a despot and usurper ; to correct the evils of Executive misrule ; and to retrieve the land from the ruin which is laying it waste and desolate. The question to be decided, they say, is not *Bank or no Bank*, but *Laws or no Laws*. If they are sincere in these professions, then must the strife of parties cease at once ; for surely the democracy will never be found warring against those who

avow the same principles, and aim at the same objects with themselves. To prevent usurpation, repress tyranny, and maintain a system of equal and just laws, have always been the great aims of the democratic party. These form at all times, and under all circumstances, the main precepts of their doctrine, and furnish the battle-cry of their political contests. If those with whom we have been hitherto contending are animated by the same sentiments, and directed by the same motives, let us at once drop our weapons, clasp each others' hands in fellowship, and proceed hereafter in a united band, like brothers, not disputing each inch of ground, like foes. But before we cast aside our arms and offer tokens of amity, it may be well to scrutinize these pretensions, and compare them with the conduct of those by whom they are avowed.

The despotism and usurpation of the chief magistrate, as far as any specific accusation can be inferred from the vague charges uttered against him, consists in the removal of the Government deposits from the United States Bank. The Senate, it is true, in passing their verdict against him, were careful to exclude from it all specification of particular offences. While they pronounced him guilty of high crimes and misdemeanors, they left it to conjecture to discover the transgression, with no narrower limit to circumscribe its search than the vague phrase of "late executive proceedings in relation to the public revenue." But though that extraordinary sentence is thus indefinite in its description of the particular act it condemns, there are circumstances which point to the removal of the deposits as the measure which has given occasion to such a world of denunciations against infringements of the constitution, and such pious horror of executive despotism and usurpation. This is the particular act of the administration against which the slings and arrows of an outrageous party are incessantly dis-

charged. The removal of the deposits is the theme of their newspaper tirades; it is the burden of all their petitions to Congress; it is the topic on which Bank orators in that body have exhausted their eloquence, and well nigh exhausted the English language of its terms of invective and reproach. We take it then, that the removal of the deposits is the measure which is relied upon to prove the Executive a tyrant and usurper.

It is ~~not~~ necessary to the purpose of this article that we should establish either the policy or the constitutionality of that measure. Let us first examine if our opponents are sincere in alleging that their warfare is, in defence of a violated Constitution, not in defence of the United States Bank. If they are really not a Bank party, but a Constitutional party; if their object is not to perpetuate a huge moneyed institution, too powerful for a free people to risk, and too corrupt for a virtuous people to endure; but to re-establish the Constitution in its original strength and simplicity, before the spirit of expediency had strained any of its provisions to larger issues than its framers designed, and before the fatal precedent had been pleaded to justify subsequent perversions—if our opponents are governed by such motives, no wonder that they reject with scorn the appellation of Bank party.

But if we look back to the history of their hostility to the Executive, shall we find that it commenced with the removal of the deposits? Shall we find that before that act they yielded him their support, joined with him in censuring the corruptions of the Bank, and manifested no desire for the renewal of its charter? Shall we not on the contrary, find that a large portion of those who now fight against the administration under a common banner; and shout a common war-cry, were as decidedly opposed to Andrew Jackson before he was elected chief magis-



trate as they are at this moment? Shall we not find that they misrepresented his actions, maligned his motives, and even slandered his dead wife, while she lay yet hardly cold in her grave? And on his being chosen by the People to preside over them, did the enmity of these champions of the Constitution cease? Did they not embarrass his administration by every art that ingenuity could devise, and shower on his head every reproach that slander could invent? Did they not deride his public measures, and traduce his private conduct—at one moment denouncing him as a military chieftain ruling with the sword, and the next as a superannuated imbecile, blindly led by flatterers and favourites? Did they not receive his very first suggestion to Congress relative to the United States Bank with jeers and hisses? Did they not defend the conduct of that institution in all its successive steps of wickedness and corruption?—its interference in elections, its infidelity to its trust in the business of the three per cent. stock—its corruption of the press—its enormous over-issues, inducing ruinous speculation—its rapid curtailments, causing wide-spread ruin and distress—and finally its audacious violation of its charter, by turning a Committee of Congress from its doors? To these questions every man not deaf or blind, physically or mentally, must return an answer in the affirmative.

The other portion of this patriotic party, which is now waging fight in defence of the Constitution and laws against the usurpations of a despot, is composed of those true lovers of their country and its happy institutions who, a little while ago, showed their devotion for the constitution by raising the standard of rebellion—by arming themselves against the laws—and threatening to cut to pieces the officer who should attempt to carry them into execution. The tyranny and usurpation of the Chief Magistrate were then shown in his preserving the Union

against their parricidal assaults and taming their fiery spirits to obedience. Their foiled leader, moved by restless ambition and implacable hatred, now stands among the foremost champions of the Bank—he who but a few months since was ready to drown the country in blood in defence of state rights, is now the advocate of an institution, which has not a word of warrant in the Constitution, and the inevitable effect of which, sooner or later, must be to melt this confederation into one vast consolidated empire, and place an aristocracy at its head.

These are the materials of which the party opposed to the administration is mainly composed. There are joined with them, a certain class of men in the mercantile cities, who are such pure and intelligent patriots, that no question, of whatever importance to the country, could bring them into the field of politics, unless it directly affected their personal and pecuniary interest—men whose hearts are in their money-bags—whose patriotism rises and falls with the rates of exchange and the price of stocks—whose constitutional scruples are so nice, that it is a sufficient answer with them to all the objections to the United States Bank, that it furnishes a convenient medium for the management of domestic exchanges. These men join in the cry of executive tyranny and usurpation, and complain that the national faith is violated by the removal of the deposits!

This then is the party which claims to be called Whigs, and repudiates the name of the Bank party. Yet what are they contending for but the re-charter of the United States Bank? What has the Senate of the United States been doing for six months past, but reading and making speeches about memorials praying for the restoration of the deposits and the renewal of the Bank charter? What is the burden of every harangue from the opponents of the administration, but a declaration that

the country cannot prosper without a national Bank? What is the object of every journal of their party, but to obtain a re-charter of the Bank? Bank! Bank! Bank! is their constant theme—it is the prayer of their meetings—the topic of their newspaper declamation—and the beginning, middle and end of the violent philippics of the partizans of that institution in Congress. The Bank is the band which holds this ill-assorted party together—it is the magazine which furnishes them with weapons—it is the treasury which supplies them with means. It is by the aid of the Bank that they hope to pull down the administration.

The cry of Executive usurpation and despotism is mere declamation to mislead the unwary—it is mere dust and smoke to hide the real object. The Bank is the real object of the warfare; for it is only through the Bank that any leader of the desperate faction can hope to succeed. Yet aware of the honest indignation felt by the People at the contemplation of the numerous acts of corruption and audacity practised by that institution—and particularly afraid of the effect of its last daring and unprecedented step—they now seek to cast off the name of Bank party, and to be known only by their stolen appellation of Whigs. Whigs, indeed! What right have they to that title, inseparably associated as it is with the memory of patriotism and valour and manly worth? What right have they—tories in all that distinguished tories in the revolution—to a name which implies love of freedom and the equal rights of mankind? No, let us not lose sight of their proper—their *only proper designation*. They are not whigs, and from this hour forth shall never be so styled in this journal. They are the BANK PARTY—a name significant of infamy—a name with which they will go down in history, and

“Stink in the nose of all succeeding time,—”

a name which they have richly earned by their unprincipled support of an unconstitutional, dangerous, most corrupt and usurping institution. Let that name stick to them. The democracy ought to call them by no other.

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### CONDUCT OF THE BANK.

[*From the Evening Post, June 9, 1834.*]

THE Bank of the United States desires to carry on its business in secret and hide the record of its corruptions from every eye, and the Senate of the United States, some of whose members are doubtless governed in the matter by strong reasons, are determined to gratify that desire. The Bank has now been more than six months wholly free from the supervision of Government Directors. The Senate have made the office of Government Director so unpleasantly conspicuous, and the honest exercise of its duties a subject of such reproaches and abuse, that there are few men willing to accept the unenviable trust, and those who do are turned away from the Bank on the ground of their not having been *invited*! The reader ought not to lose sight of the fact that the conduct of the Board of Directors of the Branch Bank in this city to Saul Alley, *was in pursuance of orders from Nicholas Biddle*! The two checks provided by the cautious framers of the Bank charter, to prevent it from abusing its enormous money power—namely the right of the Government to be represented by five directors at its Board, and of either House of Congress to appoint a Committee to look into its affairs, are completely destroyed by the high-handed conduct of that guilty institution, and its collusory assistants in the United States Senate. How much longer will this audacious monopoly be allowed to abuse the patience of the People?

## TRUE FUNCTIONS OF GOVERNMENT.

[From the *Evening Post*, Nov. 21, 1834.]

“There are no necessary evils in Government. Its evils exist only in its abuses. If it would confine itself to *equal protection*, and, as heaven does its rains, shower its favours alike on the high and the low, the rich and the poor, it would be an unqualified blessing.”

This is the language of our venerated President, and the passage deserves to be written in letters of gold, for neither in truth of sentiment or beauty of expression can it be surpassed. We choose it as our text for a few remarks on the true functions of Government.

The fundamental principle of all governments is the protection of person and property from domestic and foreign enemies; in other words, to defend the weak against the strong. By establishing the social feeling in a community, it was intended to counteract that selfish feeling, which, in its proper exercise, is the parent of all worldly good, and, in its excesses, the root of all evil. The functions of Government, when confined to their proper sphere of action, are therefore restricted to the making of *general laws*, uniform and universal in their operation, for these purposes, and for no other.

Governments have no right to interfere with the pursuits of individuals, as guaranteed by those general laws, by offering encouragements and granting privileges to any particular class of industry, or any select bodies of men, inasmuch as all classes of industry and all men are equally important to the general welfare, and equally entitled to protection.

Whenever a Government assumes the power of discriminating between the different classes of the community, it becomes, in effect, the arbiter of their prosperity, and exercises a power not contemplated by any intelli-

gent people in delegating their sovereignty to their rulers. It then becomes the great regulator of the profits of every species of industry, and reduces men from a dependence on their own exertions, to a dependence on the caprices of their Government. Governments possess no delegated right to tamper with individual industry a single hair's-breadth beyond what is essential to protect the rights of person and property.

In the exercise of this power of intermeddling with the private pursuits and individual occupations of the citizen, a Government may at pleasure elevate one class and depress another ; it may one day legislate exclusively for the farmer, the next for the mechanic, and the third for the manufacturer, who all thus become the mere puppets of legislative cobbling and tinkering, instead of independent citizens, relying on their own resources for their prosperity. It assumes the functions which belong alone to an overruling Providence, and affects to become the universal dispenser of good and evil.

This power of regulating—of increasing or diminishing the profits of labour and the value of property of all kinds and degrees, by direct legislation, in a great measure destroys the essential object of all civil compacts, which, as we said before, is to make the social a counterpoise to the selfish feeling. By thus operating directly on the latter, by offering one class a bounty and another a discouragement, they involve the selfish feeling in every struggle of party for the ascendancy, and give to the force of political rivalry all the bitterest excitement of personal interests conflicting with each other. Why is it that parties now exhibit excitement aggravated to a degree dangerous to the existence of the Union and to the peace of society? Is it not that by frequent exercises of partial legislation, almost every man's personal interests have become deeply involved in the result of the

contest? In common times, the strife of parties is the mere struggle of ambitious leaders for power; now they are deadly contests of the whole mass of the people, whose pecuniary interests are implicated in the event, because the Government has usurped and exercised the power of legislating on their private affairs. The selfish feeling has been so strongly called into action by this abuse of authority as almost to overpower the social feeling, which it should be the object of a good Government to foster by every means in its power.

No nation, knowingly and voluntarily, with its eyes open, ever delegated to its Government this enormous power, which places at its disposal the property, the industry, and the fruits of the industry, of the whole people. As a general rule, the prosperity of rational men depends on themselves. Their talents and their virtues shape their fortunes. They are therefore the best judges of their own affairs, and should be permitted to seek their own happiness in their own way, untrammelled by the capricious interference of legislative bungling, so long as they do not violate the equal rights of others, nor transgress the general laws for the security of person and property.

But modern refinements have introduced new principles in the science of Government. Our own Government, most especially, has assumed and exercised an authority over the people, not unlike that of weak and vacillating parents over their children, and with about the same degree of impartiality. One child becomes a favourite because he has made a fortune, and another because he has failed in the pursuit of that object; one because of its beauty, and another because of its deformity. Our Government has thus exercised the right of dispensing favours to one or another class of citizens at will; of directing its patronage first here and then there;

of bestowing one day and taking back the next ; of giving to the few and denying to the many ; of investing wealth with new and exclusive privileges, and distributing, as it were at random, and with a capricious policy, in unequal portions, what it ought not to bestow, or what, if given away, should be equally the portion of all.

A government administered on such a system of policy may be called a Government of Equal Rights, but it is in its nature and essence a disguised despotism. It is the capricious dispenser of good and evil, without any restraint, except its own sovereign will. It holds in its hand the distribution of the goods of this world, and is consequently the uncontrolled master of the people.

Such was not the object of the Government of the United States, nor such the powers delegated to it by the people. The object was beyond doubt to protect the weak against the strong, by giving them an equal voice and equal rights in the state ; not to make one portion stronger, the other weaker at pleasure, by crippling one or more classes of the community, or making them tributary to one alone. This is too great a power to entrust to Government. It was never given away by the people, and is not a right, but a usurpation.

Experience will show that this power has always been exercised under the influence and for the exclusive benefit of wealth. It was never wielded in behalf of the community. Whenever an exception is made to the general law of the land, founded on the principle of equal rights, it will always be found to be in favour of wealth. These immunities are never bestowed on the poor. They have no claim to a dispensation of exclusive benefits, and their only business is to "*take care of the rich that the rich may take care of the poor.*"

Thus it will be seen that the sole reliance of the labour-



ing classes, who constitute a vast majority of every people on the earth, is the great principle of Equal Rights; that their only safeguard against oppression is a system of legislation which leaves all to the free exercise of their talents and industry, within the limits of the GENERAL LAW, and which, on no pretence of public good, bestows on any particular class of industry, or any particular body of men, rights or privileges not equally enjoyed by the great aggregate of the body politic.

Time will remedy the departures which have already been made from this sound republican system, if the people but jealously watch and indignantly frown on any future attempts to invade their equal rights, or appropriate to the few what belongs to all alike. To quote, in conclusion, the language of the great man, with whose admirable sentiment we commenced these remarks, "it is time to pause in our career—if we cannot at once, in justice to the interests vested under improvident legislation, make our government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, and against any prostitution of our Government to the advancement of the few at the expense of the many."

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### CORPORATIONS.

*[From the Evening Post, November 22, 1834.]*

IN reading the lucubrations of the advocates of monopolies and incorporations, one might be induced to wonder how other countries, not favoured with the marvellous expedients for "the proper development of enterprise," and "the employment of capital," managed not only to exist, but to enjoy a reasonable degree of prosperity. According to their doctrine, the people, in their

capacity of a body politic, can do nothing ; individual capital, except aided by exclusive privileges, can do nothing in the way of public improvements. Without incorporations we can have no roads ; without incorporations we can have no canals, or any other public improvements ; without incorporations we can have no money ; and, by and by, we shall perhaps be told that unless the bakers be incorporated we shall have no bread. In order to have public improvements, "a proper development of enterprise," and "a beneficial employment of capital," it would seem, according to these writers, that it is indispensable that the great mass of the people should be divested of the Equal Rights guarantied to them by the constitution.

Did these advocates of incorporations ever read of the great Roman aqueduct for conveying water from Tusculum to Rome ? Did they ever hear of the Appian way, both the work of one single man ? Or did they ever hear of the Flaminian way, also the work of one magnificent Roman ? These works, like the Egyptian pyramids, seem destined to be coeval with the duration of the earth which supports them. Some twenty centuries have elapsed since their construction, and almost a hundred generations have availed themselves of these great public benefits, and still they remain the almost eternal monuments of individual public spirit. Will any of our railroads, or incorporated bridges, last as long ? For a period of near two thousand years, the inhabitants of Rome, and all the world that flocked to Rome, have enjoyed the benefits of these great public improvements, without paying a single cent in tolls, or for a drink of water, and without the grant of a single exclusive privilege to any man or association of men. Neither Appian Claudius, nor Titus Flaminius, nor their heirs, ever levied contributions on the people of Rome for the water of the

acqueduct, or the use of the road. We never heard that either Appius or Flaminius was incorporated ; transmuted into irresponsible nonentities, above the laws, or so slippery as to evade their operation. They were mere simple individuals—one an orator, the other a soldier who fell in defending his country against Hannibal. Actuated by a noble spirit of patriotism, they gave to their countrymen, as a free gift, what it seems can now only be attained in this modern republic by grants of exclusive privileges, and by a perpetual tax upon the people.

All the ancient world is filled with instances of these noble benefactions for public purposes ; and is there any reason why this new world should not emulate the example ? A few Stephen Girards might in a similar spirit of munificence confer equal benefits on this country. But we do not rely upon individual wealth or patriotism to do all that is salutary in the way of public improvements. We look to the wants of the people, and to the great interests of the community at large for such purposes. Is the hope fallacious, or have we no examples to encourage us ?

Let us see what the PEOPLE, through the agency of their representatives, have already done in this and other States of the Union ; and let us look what they and their rulers have done elsewhere. Was the great canal of Languedoc the work of an incorporated company ? Was that system of canals in China, to which the old world affords no parallel, the work of an incorporated company or companies ? Are the great system of internal improvements, in operation in Pennsylvania and Ohio, the work of incorporated companies, or are they the work of the people of those states through the agency of their common representatives, and by means of their common resources ? And last, though not least, have not the greatest works of this age, the Erie and Champlain ca-

nals, been achieved by the people, the great body politic of the state, after an incorporated company had totally failed in completing one small section of this noble enterprise? Nay, let us go further, and ask whether in nine cases in ten incorporated companies for great national objects, have not failed, and been obliged at last to throw themselves on the charity of the state for support? Have we forgotten the Delaware and Hudson Canal Company, and the loans of state credit? And is it not notorious that at this moment the Ohio and Chesapeake Canal Company is dependent on Congress for the ability to pay the interest on its Dutch loan? Instances might be multiplied to tediousness were it necessary, but the recollection of every man will supply them.

In the face of these undeniable facts, we are not to be told, that we are for putting an end to all future public improvements, because we are opposed to incorporations. The imputation is as weak as it is unfounded, for the examples we have adduced, and could adduce by scores, sufficiently prove that incorporated companies are not indispensable, not even safe agents to depend upon for our public improvements.

We will suppose, however, for the sake of argument, that the canals of New York had been the work of incorporations, and not of the great body politic acting through its representatives. The charter being perpetual, the tolls would of course be also perpetual, and thus the people of this and other states making use of these conveniences, would have paid a perpetual tax to the company, long after it had been amply remunerated for all the expense and risk of constructing them. Being however the work of the people the case is far otherwise. The tolls are now rapidly extinguishing the canal debt; in a few years it will be entirely paid, and the people will then enjoy this great public benefit, at the trifling cost of

keeping it in repair. On the other hand, the company would enjoy a perpetuity ; it would accumulate millions upon millions of the money of the people, and every attempt to diminish its exorbitant gains, would be resisted as an innovation on the sacred principle of "vested rights."

Here then is exhibited a complete and fair exemplification of the relative advantages of a system of public improvements prosecuted by the people themselves, and one exclusively confined to incorporations. In the one case the people after paying for the improvement, enjoy it ever afterwards free of all taxes, except for repairs ; in the other they are saddled with a perpetual burden, and condemned to pay for it ten times over to the corporation. It may be said, that there is no advantage in this exemption from toll to the state, by the state, since the money is paid by one hand and received by the other. But this is a view of the case entirely fallacious. The doctrine would equally apply to every species of taxation, and it might be asserted with equal truth, that the amount of public burdens is a matter of no sort of consequence, provided the money is again distributed among the people. This we know is one of the favourite fallacies of a particular school of political economists, but it will not do here we trust. According to them, every thing moves in a circle ; the money taken from the people is distributed among them again, and the circulation like that of the blood, gives life and vigour to the body politic. The mischief however is, that there is no certainty that the same man who pays five dollars, will ever receive it back again ; and that if he does, it is so long in coming, that "while the grass grows the steed may starve." Generally speaking, every man's money is safest in his own pocket, and he does not require the aid of government in its distribution.

## LITERARY CORPORATIONS.

[*From the Evening Post, November 26, 1834.*]

WHEN, a few days ago, we expressed the opinion, that so contrary to the principle of equal liberty is the principle of corporations, that a legislature, governed by sincere and enlightened sentiments of democracy, would refuse to incorporate even a college or a church, an exclamation of pious horror was raised by certain opposition prints, which were very glad, no doubt, to seize the pretext of regard for the institutions and best interests of learning and religion, as an occasion for defending their favourite aristocratic system of monopolies and exclusive privileges, through the instrumentality of which alone can they ever hope to break down the power of the people, and reduce the many into subserviency to the few. That what we said did not proceed from any want of veneration for the vast benefits to society of religion and learning, our readers will readily believe; and, indeed, this might be inferred from the very ground on which we assail the principle of corporations, as hostile to the principle of equal freedom; since we think it will not be denied that a free country, of all others, is most favourable to the cause of religion and virtue, and to the development of the human mind. But if we look at the subject of corporate institutions of learning merely in a politico-economical point of view, we think it will be easy to discover that the interests of society are not promoted by giving charters of incorporation to seminaries of education. We shall make this the subject of our leading article this afternoon; and in the first place let us propose the following questions.

Have the charters of incorporation bestowed on our colleges contributed, in general, to promote the ends of

their institution? Have they contributed to encourage the diligence, and to improve the abilities of the teachers? Have they directed the course of education towards objects more useful, both to the individual and to the public, than those to which it would naturally have gone of its own accord? It would not seem very difficult to give at least a probable answer to each of these questions.

In every profession, the exertion of the greater part of those who exercise it, is always in proportion to the necessity they are under of making that exertion. This necessity is greatest with those to whom the emoluments of their profession are the only source from which they expect their fortune, or even their ordinary revenue and subsistence. In order to acquire this fortune, or even to get this subsistence, they must, in the course of a year, execute a certain quantity of work of a known value; and where the competition is free, the rivalry of competitors, who are all endeavouring to jostle one another out of employment, obliges every man to endeavour to execute his work with a certain degree of exactness. The greatness of the objects which are to be acquired by success in some particular professions, may, no doubt, sometimes animate the exertions of a few men of extraordinary spirit and ambition. Great objects, however, are evidently not necessary in order to create the greatest exertions. Rivalship and emulation render excellency, even in mean professions, an object of ambition, and frequently occasion the very greatest exertions. Great objects, on the contrary, alone and unsupported by the necessity of application, have seldom been sufficient to occasion any considerable exertion. Success in the profession of the law leads to some very great objects of ambition; and yet how few men, born to easy fortunes, have ever, in this country, been eminent in that profession!

One of the effects of the charters of corporation bestowed on colleges, is to give to those institutions the facility of acquiring, in their corporate capacity, and holding from generation to generation, a large amount of property. Out of the revenue of this property the salaries of professors are paid, either in whole or in part. Only a portion of the expenses of the institutions, in most cases, at least, is defrayed from the sum received for tuition. The subsistence of a professor, then, so far as it is defrayed out of the permanent revenue of the corporation, is evidently derived from a fund altogether independent of his success and reputation in his particular profession. His interest is, in this case, set as directly in opposition to his duty as it is possible to set it. It is the interest of every man to live as much at his ease as he can ; and if his emoluments are to be precisely the same whether he does or does not perform some very laborious duty, it is certainly his interest, at least as interest is vulgarly understood, either to neglect it altogether, or, if he is subject to some authority which will not suffer him to do this, to perform it in as careless and slovenly a manner as that authority will permit. If he is naturally active and a lover of labour, it is his interest to employ that activity in any way from which he can derive some advantage, rather than in the performance of his duty, from which he can derive none.

If the authority to which he is subject resides in the body corporate, the college, or university, of which he himself is a member, and in which the greater part of the other members are, like himself, persons who either are or ought to be teachers, they are likely to make a common cause, to be all very indulgent to one another, and every man to consent that his neighbour may neglect his duty, provided he himself is allowed to neglect his own.

If the authority to which he is subject resides, not so



much in the body corporate of which he is a member, as in some other extraneous persons, in the governor, for example, or in a board of regents, it is not indeed in this case very likely that he will be suffered to neglect his duty altogether. All that such superiors, however, can force him to do, is to attend upon his pupils a certain number of hours, that is, to give a certain number of lectures in the week, or in the year. What those lectures shall be, must still depend upon the diligence of the teacher ; and that diligence is as likely to be proportioned to the motives which he has for exerting it. An extraneous jurisdiction of this kind, besides, is liable to be exercised both ignorantly and capriciously. In its nature it is arbitrary and discretionary ; and the persons who exercise it, neither attending upon the lectures of the teachers themselves, nor perhaps understanding the sciences which it is their business to teach, are seldom capable of exercising it with judgment. From the insolence of office, too, they are frequently indifferent how they exercise it, and are very apt to censure or deprive of office wantonly and without just cause. The person subject to such jurisdiction is necessarily degraded by it, and, instead of being one of the most respectable, is rendered one of the meanest and most contemptible persons in society. It is by powerful protection only that he can effectually guard himself against the bad usage to which he is at all times exposed ; and this protection he is most likely to gain, not by ability and diligence in his profession, but by obsequiousness to the will of his superiors, and by being ready at all times to sacrifice to that will the rights, the interest, and the honour of the body corporate of which he is a member. Whoever has attended for any considerable time to the administration of a French university, must have had occasion to remark the effects which naturally

result from an arbitrary and extraneous jurisdiction of this kind.

Whatever forces a certain number of students to any college or university, independent of the merit and reputation of the teachers, tends more or less to diminish the necessity of that merit and reputation.

The privileges of graduates in arts, &c. when they can be obtained only by residing a certain number of years in certain universities, necessarily force a certain number of students to such universities, independent of the merit and reputation of the teachers. The privileges of graduates are a sort of statutes of apprenticeship, which have contributed to the improvement of education, just as the other statutes of apprenticeship have to that of arts and manufactures.

The discipline of corporate colleges is in general contrived, not for the benefit of the students, but for the interest, or more properly speaking, for the ease of the masters. Its object is, in all cases, to maintain the authority of the master, and, whether he neglects or performs his duty, to oblige the students in all cases to behave to him as if he performed it with the greatest diligence and ability. It seems to presume perfect wisdom and virtue in the one order, and the greatest weakness and folly in the other. Where the masters, however, really perform their duty, there are no examples, I believe, that the greater part of the students ever neglect theirs. No discipline is ever requisite to force attendance upon lectures which are really worth attending, as is well known wherever any such lectures are given.

Force and restraint may, no doubt, be in some degree requisite in order to oblige children, or very young boys, to attend to those parts of education which it is thought necessary for them to acquire during that early period of life; but after twelve or thirteen years of age, provided

the master does his duty, force or restraint can scarce ever be necessary to carry on any part of education. Such is the generosity of the greater part of young men, that, so far from being disposed to neglect or despise the instructions of their master, provided he shows some serious intention of being of use to them, they are generally inclined to pardon a great deal of incorrectness in the performance of his duty, and sometimes even to conceal from the public a good deal of gross negligence. Those parts of education, it is to be observed, for the teaching of which there are no public institutions, are generally the best taught. Schools have no exclusive privileges. In order to obtain the honours of graduation, it is not necessary that a person should bring a certificate of his having studied a certain number of years at a public school. If upon examination he appears to understand what is taught there, no questions are asked about the place where he learnt it.

In the attention which the ancient philosophers excited, in the empire which they acquired over the opinions and principles of their auditors, in the faculty which they possessed of giving a certain tone and character to the conduct and conversation of those auditors; they appear to have been much superior to any modern teachers. In modern times, the diligence of public teachers is more or less corrupted by the circumstances, which render them more or less independent of their success and reputation in their particular professions. Their salaries too put the private teacher, who would pretend to come into competition with them, in the same state with a merchant who attempts to trade without a bounty, in competition with those who trade with a considerable one. If he sells his goods at nearly the same price, he cannot have the same profit, and poverty and beggary at least, if not bankruptcy and ruin, will infallibly be his lot. If

he attempts to sell them much dearer, he is likely to have so few customers that his circumstances will not be much mended. The "privileges" of graduation, besides, can be obtained only by attending the lectures of the incorporated institutions. The most careful attendance upon the ablest instructions of any private teacher, cannot always give any title to demand them. It is from these different causes that the private teacher of any of the sciences which are commonly taught in universities, is in modern times generally considered as in the very lowest order of men of letters. A man of real abilities can scarce find out a more humiliating or a more unprofitable employment to turn them to. The endowments of schools and colleges have, in this manner, not only corrupted the diligence of public teachers, but have rendered it almost impossible to have any good private ones.

Were there no public institutions for education, no system, no science would be taught for which there was not some demand; or which the circumstances of the times did not render it, either necessary, or convenient, or at least fashionable to learn. A private teacher could never find his account in teaching, either an exploded and antiquated system of a science acknowledged to be useful, or a science universally believed to be a mere useless and pedantic heap of sophistry and nonsense. Such systems, such sciences, can subsist no where, but in those incorporated societies for education whose prosperity and revenue are in a great measure independent of their reputation, and altogether independent of their industry. Were there no public institutions for education, a gentleman, after going through, with application and abilities, the most complete course of education which the circumstances of the times were supposed to afford, could not come into the world completely ignorant of

every thing which is the common subject of conversation among gentlemen and men of the world.

But in placing these speculations before our readers, do we not run some risk of being again called "a little free-trade crazy?" Let those who cannot controvert the views and arguments ascribe them to lunacy, or idiocy, if they please. They are at all events the views and arguments, ay, and the very language, too, of Adam Smith, from whose immortal work on the *Wealth of Nations* we have borrowed these paragraphs, having copied them literally, with the exception of two or three slight verbal changes.

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### CHARACTER OF MR. VAN BUREN.

[*From the Evening Post, January 19, 1835.*]

DURING the session of the national and state legislatures, so many subjects crowd upon our attention and occupy our columns, that we are frequently obliged to dismiss, with a very cursory and imperfect notice, matters which intrinsically deserve careful and particular comment. This was the case with the letter of Mr. Benton to the Democratic Convention of the State of Mississippi, declining their nomination of him as a candidate for Vice President, which we recently had the pleasure of laying before our readers. That letter so highly creditable to Mr. Benton's mind and heart, so illustrative of his intelligence, firmness, candour, and sincerity, contained matters well worthy of being recommended to the consideration of the democracy in every part of the Union, by frequent and earnest editorial comments.

The great object which Mr. Benton had in view, was to impress upon the attention of the people of the United

States, the necessity of harmony and concert in relation to the candidates for the two highest offices of the Government, if they wish to succeed in those cardinal objects of the republican party which are of incalculably more importance than ever can be, under any circumstances, the gratification of mere personal preferences or sectional pride. To ensure this harmony, as far as lay in his own power, Mr. Benton did not merely exercise his eloquent pen in delineating the consequences which would almost inevitably flow from divided councils, but gave the strongest proof of his disinterestedness and magnanimity, by positively declining the high compliment which had been paid him, and refusing to suffer his name to be used as a candidate for Vice President, thus removing one circumstance which he feared might prove an obstacle to the desired concord. In thus doing, though sinister objects are of course imputed to him by those whose business and pleasure it is to revile all the prominent champions of democratic principles, yet no person of the least candour can help feeling, in his secret heart, that Mr. Benton has exhibited an evidence of singleness of motive and nobleness of character which entitle him to the increased admiration and respect, not only of every true republican, but of every man, whatever his political creed, who can appreciate the sacrifices of disinterested patriotism.

It would have been highly pleasing to us, we are free to confess, if it had been considered quite compatible with the important end of a perfect union and harmony of purpose and action among the democracy in all parts of the country, to have seen Mr. Benton placed before the people as the republican candidate for Vice President. Well has he deserved such a mark of honour. His consistency, industry and zeal in the cause of the people; his vigilance in detecting the arts of the aristocracy; his

fearlessness in exposing them ; his readiness to stand forward, at all times, as the champion of democratic principles ; his eloquence ; his blunt and manly independence of character ; and the honest boldness with which his indignant feelings have always led him to rebuke those who seek personal aggrandizement at the expense of the equal rights of man : these are qualities which have won for Mr. Benton the general regard of the democracy, and have caused many to desire that he might be nominated as the successor of Martin Van Buren in the place which the latter now so worthily fills.

We do not know, however, whether the true interests of the people are not better answered by the course Mr. Benton has determined to pursue. Much as he deserves to be elevated to a higher post, we do not know whether he could well be spared from that where he is now stationed. His talents, his firmness, his assiduity, his unshrinking courage, his powerful eloquence, are needed in the Senate chamber. We do not question that he would adorn other stations ; but for that of Senator he seems peculiarly adapted. His masculine understanding, his resolute heart, his diligent and unwearied application, are now exerted in their proper sphere. To him public business seems not a task, but a pleasure ; and if he has ambition (as no great mind is without it) his recent noble act of self-denial sufficiently proves that his at least is not the ambition which begins and ends and centres all in self, but that nobler kind which seeks to win its way through the laborious gradations of public service, and achieve its object by promoting the real good of his fellow-men.

Those who duly consider Mr. Benton's letter, will find in it a conclusive answer to the clamorous objections which the aristocracy urge against Martin Van Buren. Most of these objections consist of the catchwords of party declamation, and do not deserve reply, until they

can be shown to rest on some more substantial basis than the mere imputations of political hostility. The epithets of magician and intriguer have been reiterated against him, for many years, with all the earnestness of vituperative malice ; but we are not aware that any proof has yet been exhibited, or even attempted, that he either practices " arts inhibited," or that he winds his way to his object through the devious and covert mazes of subtlety and intrigue. We have been attentive readers, for a long time past, of the charges against Mr. Van Buren, and close observers of his public conduct ; and our respect for his talents, his integrity, and his patriotism, for the purity of his motives, and the wisdom of his proceedings, has increased the more we have read and observed. Mere denunciation, however often reiterated, is not likely to injure a public man in the estimation of the intelligent citizens of this country. Had it been otherwise, we should have lacked the executive services of the illustrious Jefferson ; the reins of Government would never have been swayed by the patriot Jackson ; and Martin Van Buren would long since have been consigned to infamy or oblivion. But happily " curses kill not ;" and till something more relative than gibes and anathemas of a factious aristocracy can be uttered against Mr. Van Buren, he stands in little danger, we think, of losing his strong hold on the affections of the democracy of the United States.

The brilliant passage in Mr. Benton's letter, in relation to the oft-repeated charge, that Mr. Van Buren is of the *non-committal school*, " a flippant phrase got by rote and parroted against him," must stand as a most triumphant and unanswerable vindication of his character from whatever is derogatory in the imputation. Never in any instance, where the obligations of honour or patriotism required that he should *commit* himself, has Mr.



Van Buren hesitated to speak or act. The public have not been left to guess his views on important questions. He has not, it is true, obtruded himself, uncalled for, before the nation, and hastily volunteered opinions which he was afterwards glad to retract. He has not *committed* himself, like the leading demagogues worshipped by those who raise this senseless cry, for and against the United States Bank, for and against the American System, and for and against a dozen other important national measures. His first care has been to acquaint himself thoroughly with the merits of all great questions ; and once satisfied of the right, he has taken his ground boldly and openly, and maintained it firmly to the end. Hence the extraordinary consistency of his career. No politician in this country has pursued a more even and undeviating course. And this very consistency, amidst all the fluctuations of opinion and policy, and all the vicissitudes of public events, is as strong an evidence as can be adduced of the soundness of his motives, and the boldness of his character.

Had Mr. Van Buren been distinguished by that species of timidity which is implied in the phrase *non-committal*, instead of pursuing his straight-forward course through good report and through evil report, he would have accommodated himself to the variations of public sentiment ; he would have trimmed his sail to the popular breeze ; he would have veered and tacked, now steering to this point, and now to that, until his course was as mazy as that of Mr. Webster or Mr. Clay. But timidity, or at least that species of timidity which springs from selfish ambition, is no part of the character of Mr. Van Buren. If he has ever hesitated, it has only been until he could satisfy himself what was demanded by the true interests of his country. "Interested timidity," says Burke, "disgraces as much in the cabinet, as personal

timidity does in the field. *But timidity, with regard to the well-being of our country, is heroic virtue.*" This is the extent of Mr. Van Buren's timidity—this is the only sense in which the cry of "non-committal" has any truth.

There is another point in the Letter of Mr. Benton, to which we take pleasure in inviting the attention of our readers. It comes in here as an appropriate illustration of the absurdity of the charge to which we have just referred. We allude to the brief exposition it contains of Mr. Van Buren's views on the subject of the Bank system. What Mr. Benton says on that subject, must be looked upon as authentic. The nation has a right to consider it as said by Mr. Van Buren himself; for the circumstances under which this Letter was written, would have required of that gentleman, if his sentiments on any great question of public policy were inaccurately stated, to correct the error in as public a form as that in which it was made. The silence of Mr. Van Buren cannot therefore be cited as an instance of "non-committal;" but, on the contrary, he must be looked upon as having early and decidedly taken his stand on a question already of exceeding interest in several states, and destined ere long to become a chief touchstone of democratic principles throughout the Union. We have great pleasure, then, in begging our readers to take note that Mr. Van Buren "is a real hard-money man; opposed to the paper system; in favour of a national currency of gold; in favour of an adequate silver currency for common use; against the small note currency; and in favour of confining bank notes to their appropriate sphere and original functions, that of large notes for large transactions and mercantile operations."

Much has been said and written on the subject of the claims of New-York to supply an incumbent of the Pre-

cidental chair. Our paper, not a great while ago, contained a most excellent article from the Harrisburg Reporter, in which the propriety of nominating Mr. Van Buren on that ground was urged with singular eloquence and force. The article in question, as we have access to know, came from the pen of a disinterested and enlightened man, whose sentiments were the result of a broad and patriotic view of the whole subject, and had no other object than to advance the best interests of our common country. For our own part, we do not place our advocacy of Martin Van Buren on sectional grounds. It is the least of his claims, in our sense, that he drew his first breath on the soil of the Empire State. Show us a worthier man; a man whose career has been more consistent, whose services have been more useful, whose principles have been more democratic, whose character has been freer from reproach; show us a man more entitled to the confidence of the democracy, possessing a larger share of their esteem, and more likely to carry out those great republican principles which have guided the administration of Andrew Jackson; show us such a man, and we will to-morrow withdraw our support from Martin Van Buren and transfer it to that other and worthier one. But the nation contains no such man; and we therefore advocate him, not as the favourite son of New-York, but, after General Jackson, as the foremost champion of the democracy of the United States, and the candidate intrinsically best entitled to unite all their suffrages.

These are our sincere sentiments, governed by no personal considerations, by no sectional pride. Were we a denizen of the south or of the west, Martin Van Buren would still be our choice. And the south and the west and the east will unite with the "great middle" in this preference, and, with one accordant voice, will call him

to preside over the republic. Aristocratic railers may continue to shower their abuse on his head, but in vain. It is the fate of all prominent asserters of democratic principles to be maligned; and if their rancour is fiercer towards Martin Van Buren than any other, it is only because he is more strongly fixed in the affections of the people. Their attachment rests on the strong basis of his real worth. They look through the aspersions of his enemies, and read the truth for themselves, and the truth in relation to that distinguished man, needs only to be known to insure him general regard. And it is known. The people of this country are too clear-sighted to be misled by the mere clamour of calumny and detraction, and there is a quality in truth itself which is sure eventually to triumph over misrepresentation.

Truth, though it trouble some minds,  
Some wicked minds that are both dark and dangerous,  
Yet it preserves itself, comes off pure, innocent,  
And like the sun, though never so eclipsed,  
Must break in glory.

### THE JOINT-STOCK PARTNERSHIP LAW.

[From the Evening Post, January 23, 1835.]

The Attorney General of this State, in his report on the subject of Corporations, which we published yesterday, says, "In the interpretation of the constitution, we ought, as far as possible, to enter into the mind and intention of those who framed the instrument, and *adopt that construction which will best fulfil the end for which it was made.*" We are very willing that the ninth section of the seventh article of the Constitution, which "makes the assent of two-thirds of the members elected to each branch of the legislature requisite to every bill creating,

continuing, altering, or renewing any body politic or corporate," should be interpreted by this rule. The end for which that section was framed was distinctly explained by Mr. King, chairman of the committee that introduced it. "The common law abhorred *monopolies*," he said, and the object of the section was "not to increase them, but diminish them as far as we can consistently with the preservation of vested rights." He therefore had reported a clause requiring a two-thirds vote, not only for the creation of any new corporation, but for altering, continuing, or renewing any old one. But while he was desirous of placing this difficulty in the way of granting special charters of incorporation, on the ground that they were monopolies, he did not seek to abrogate or limit those general laws, then existing, under which voluntary corporations, for certain purposes, and to an indefinite number, might be formed by whomsoever chose to enter into them. Corporations, no matter for what purposes, which derived their existence from direct special legislation, were monopolies, and those the Constitution sought to diminish as far as was consistent with vested rights; but corporations formed under laws which were of equal applicability and equally open to the whole community, were not considered monopolies, and therefore no change or modification of those laws was proposed.

We think the reader who carefully peruses the Report of the Convention which framed the Constitution, and strives "to enter into the mind and intention of those who framed the instrument, and adopt the construction which will best fulfil the end for which it was made," will agree with us in the view we have here taken. The grand general aim of the Constitution, also, to protect the community in their equal rights of person and property, ought to be kept constantly in sight; as well as

the grand democratic maxim of equality of political and civil rights, on which the Constitution and the laws all are founded.

The Attorney General is of opinion that, according to the Constitution, "the legislature cannot now provide by general laws for the incorporation of voluntary associations, but must act directly on every grant of corporate privileges, creating some one or more corporations in particular." Yet he is of opinion, at the same time, that "the legislature may, by one act, create two or more corporate bodies." That is to say, they may create ten thousand corporations by one act, if they please, only naming each particular set of individuals incorporated, but cannot pass a law establishing the general principles on which any set of individuals may form themselves into a corporation. The Constitution says, "the assent of two-thirds of the members elected to each branch of the legislature shall be requisite to every bill creating, continuing, altering, or renewing any body politic or corporate." If *every bill* creating *any body politic*, may mean a bill creating a *myriad of bodies politic*, it may mean any thing. The object of the two-thirds provision was to insure separate and careful deliberation on every particular application for a special grant of corporate privileges. If a thousand applications may be huddled together, and one bill passed granting a corporate franchise to all, the intention of the framers of the Constitution is more effectually overleaped than it possibly could be by a bill establishing the general principles and conditions under which any association of men might assume and exercise corporate powers. But the Constitution, in the Attorney General's plastic hand, is a mere nose of wax, and is moulded into what shape he pleases.

The thirteenth section of the seventeenth article of

the Constitution continued in force all laws then existing which were not repugnant to any of its provisions ; but all laws or parts of laws repugnant to the Constitution were by that instrument abrogated. At the time the Constitution went into effect, general laws were in operation, under which corporations, for a variety of purposes might be created, without the direct intervention of the legislature. The Attorney General says, "the several laws providing for the creation of corporate bodies, without a special grant from the legislature, have been acted upon for the twelve years which have elapsed since this part of the Constitution went into operation, and it is believed that the validity of those laws, or the right to form associations under them, has never been seriously questioned." If those laws are valid, which we do not doubt, it is because they are not repugnant to the Constitution. But it seems, by the Attorney General's reasoning, that a law now passed, though by a two-thirds vote, and for precisely the same objects, and expressed in the same terms, would be repugnant to the Constitution. That is to say, a principle which was perfectly consistent with the Constitution in 1828, is totally contrary to it in 1834. For example, if the legislature, at its present session, should repeal one of those laws under which corporations may now be formed without a direct act, and the next legislature, convinced that the law had been useful, and that the repeal of it was unwise, should repass it by a vote of two-thirds of each House, it would not be valid, because it would be repugnant to the Constitution. It had been quite constitutional a year before, but though the Constitution in the meanwhile had undergone no change, and the law was revived in precisely the same words as before, it would be wholly null and void. We confess we cannot give our judgment up to such reasoning as this.

The general laws under which corporations were formed without special legislation prior to the adoption of the Constitution, were abrogated by that instrument, if they were repugnant to any of its provisions; and if they were not repugnant to any of its provisions, neither would a law at this day be, framed on the same principles and in corresponding terms. The Constitution makes a vote of two-thirds necessary to create any body politic, that is any one body politic, on the ground that partial legislation, giving special privileges to particular individuals, partakes of the character of *monopoly*; but it does not even make a two-thirds vote necessary to pass a law, general in its provisions, and calculated for the equal good of the whole community. A general law of joint-stock partnerships would not be a law "creating a body politic." But when A, B, and C, wish to be erected into a corporation, and have particular privileges conferred upon them, the legislature are hindered by the constitution from granting their prayer, unless two-thirds of the whole number elected think it worthy of their assent.

If we "enter into the mind and intention of those who framed the instrument," we shall find that this condition of the assent of two-thirds was stipulated for the express purpose of preventing special acts of incorporation from being passed, except where the reasons for them were very cogent. If we then examine the acts of the very first session of the legislature after the Constitution went into effect, we shall find that so ineffectual was this provision for the purpose intended, that there were thirty-nine new private companies incorporated, and numerous acts passed amending and enlarging previous charters. But while this two-thirds check (which proved in effect to be no check at all) was established for the reason that "the multiplication of corporations was an evil," and that it was the duty of the Convention "not to increase



them but diminish them," no step was taken to limit the number of voluntary corporations which the spirit of enterprise and competition might cause to spring into existence under the general laws. The reason was, no doubt, that these were not considered an evil. A grant of special privileges to a particular set of men was considered an "abhorred monopoly;" but a general law of joint-stock partnerships, for the mere facilitation of certain pursuits, of which all men alike might avail themselves, was not a monopoly. Those who "enter into the mind and intention of the framers of the Constitution," will arrive, we think, at a very different conclusion from that of the Attorney General. It would be a singular circumstance, truly, if the Convention had fastened, eternally and irremediably, a most odious and oppressive system of monopolies on the free people of this state, by the very provision which they framed with the avowed purpose of *diminishing these monopolies as far as they could consistently with the preservation of vested rights.*

## THE JOINT-STOCK PARTNERSHIP LAW.

[*From the Evening Post, January 26, 1835.*]

THERE was one point in our argument, on Saturday, in relation to the Constitutional power of the legislature to pass a general joint-stock partnership law which we wish to modify ; namely, that it is competent for the legislature to pass such a law without the concurrence of two-thirds of the members elected to each branch. This slipped from us inadvertently, and in positive, instead of hypothetic language. More mature deliberation has satisfied us that a vote of two-thirds would be requisite to pass either a general or partial law.

The great object of the section in the Constitution, indeed, was very evidently to establish the necessity of the concurrence of two-thirds of the members elected on the subject of corporations. It was not to change the previous practise in any other respect than as regards the extent of the majority. It was to secure upright and deliberate legislation ; to diminish the chances of corruption ; to throw a strong impediment in the way of the log-rolling system.

If the language of the Constitution required the assent of two-thirds of the legislature for every bill creating any body, *or bodies*, politic or corporate, we fancy that the competency of the legislature to pass a general law, defining the principles and establishing the conditions on which bodies politic or corporate might be formed, could not for a moment be doubted. Yet the Attorney General admits that the present phraseology, though in the singular number, presents no bar to the creation of a plurality of corporations by one legislative act. He admits that the legislature may incorporate any number of associations, even to the extent of including the whole popula-

tion of the State, by a single bill. It seems to us that this admission gives up the whole question. If "every bill creating any body politic," is equivalent to "every bill creating any number of bodies politic," it may surely also mean "every bill defining the terms on which any association of men may possess themselves of corporate powers."

If the legislature is not required to act separately on every single question of creating a body politic, but may by one vote, provided it has the requisite majority, create a million of bodies politic, it is not easy to perceive how the powers of the legislature on the subject of granting corporate privileges are at all modified or restrained by the present Constitution, except simply as to what shall constitute a valid majority on such questions. Indeed, the Attorney General seems so naturally to have come to this conclusion, that he expresses it in so many words. He says, the Constitution only prescribes the number of votes necessary to every bill, "leaving all other questions about the passing of such laws as they stood before, to the discretion of the legislature." The legislature have a right now to pass any law whatever respecting corporations by a vote of two-thirds of all the members, which it before had by a simple majority of the members present. Whenever we have a vote of two-thirds the Constitutional requirement is complied with; and if a general law of joint-stock partnerships is objectionable, it is on grounds distinct from those presented by the language of the ninth section of the seventh article of the Constitution.

That objections of this kind existed in the Attorney General's mind is plainly to be inferred from some of his remarks. Thus he argues that if the legislature can provide by general laws for the incorporation of such persons as shall associate for any particular purpose,

though "both useful and harmless," "it can, in like manner provide for the incorporation of such persons as may associate for the purpose of carrying on the business of banking, insurance, or receiving and executing trusts." This, we apprehend, is the grand difficulty. A general law of joint-stock partnerships would do away with all necessity or excuse for interested applicants assembling at Albany every winter to use *that peculiar species of argument* with legislators and "leading party men" in favour of their schemes, which it is notorious has heretofore been used to a prodigious extent, and which, with very many men, constitutes the main ground of their desire to get into the legislature.

The Attorney General devotes a portion of his report to a eulogy on corporations, and repeats the old cant about their furnishing "the best means for aggregating the necessary amount of capital for the *rapid and full development* of the resources of the State." If this rapid development is really so desirable an object, is it more likely to take place through the agency of special corporations, or through the means of a law which opens the field of competition to the whole community? But the Attorney General admits that "there is an admixture of evil in almost every grant of corporate privileges." And what is this admixture of evil? It is, chiefly, that, under the present system of granting charters, they partake of the character of monopoly—they confer powers on a few privileged individuals which are taken, or at any rate withheld, from the great body of the people. Create a general law, under which any set of men may form themselves into a body corporate, and you at once take from such associations the chief admixture of evil.

The Attorney General admits, that, on the subject of Colleges the legislature has not acted upon his doctrine, and that the Revisers do not seem even to have dreamt

of his construction. With all deference to the Attorney General, the Revisers are much higher legal authority than he can with any sort of propriety claim to be. But let us try his views on their own merits, and to do so, we may test the applicability of his rule to other subjects. Abundant opportunities of testing its soundness in this way are presented by the Constitution. The very section under consideration requires the assent of two-thirds of the legislature "to every bill appropriating the public moneys or property for local or private purposes." Now, what is more common than, after deciding on the whole principle of an appropriation, to refer the matter to Commissioners, to the Comptroller, or to some other public officer, to expend and apply the money in a certain manner, to take bonds for its payment, and even proofs of its amount. We do not say that such legislation is not sometimes improper, but we apprehend it will hardly be called unconstitutional. Laws making appropriations for private purposes, on general principles, necessarily leave something to the discretion of the Commissioners to whom the carrying those laws into effect is entrusted; but in the case of a law fixing the principles and conditions on which any set of individuals might become a body politic, nothing need be left to discretion. Under such a law, individuals give notification of their intention in a certain specified way, file certain papers with a specified officer, and straightway they become a corporate partnership. The legislature has the undoubted power to create those individuals a body politic absolutely and unqualifiedly. It is apprehended that those who have the power to do any thing absolutely and unqualifiedly, have the power to do it on conditions. The greater power includes the less, or if the Attorney General pleases, a power to sell includes a power to mortgage.

If this doctrine is unsound—if the views of the Attor-

ney General are right throughout, then that officer has the merit of abrogating, by a single exercise of his pen, the corporate powers, not only of all the colleges and academies which have gone into exercise under the Revised Statutes, but also nearly all our banks and other moneyed corporations, for their charters have been generally granted on certain conditions relative to opening their books, distributing the stock, paying in the capital, and filing an affidavit that the capital had been paid in. The appointment of Commissioners may very well come within the Attorney General's rules, which prohibit the legislature from delegating any discretionary power.

The Attorney General, in attempting to break down our anti-monopoly doctrines, may get into more difficulty than he seems to be aware of. His arguments against a general law of joint-stock partnerships, on the ground that such a law would be a delegation of power to others to do what the Constitution requires should be done directly by the legislature, and by a two-thirds vote, bear with greater force against the system he applauds than that which he condemns. He says, in effect, chartered privileges must be distributed by the legislature itself to a *favoured few*, and cannot be granted to *all* by a general law, because the legislature cannot delegate its power. But at the same time the legislature does delegate its power, in every charter of incorporation it passes, to distribute the stock among such favoured individuals as certain Commissioners may select, and the power delegated is rendered great by reason of these legislative favours being withheld from the great body of the people. These inconsistencies will not tend to convince the people that a general joint-stock partnership law is not needed, though it may satisfy them that there is some occasion for a better expounder of the laws already in existence.

## REPLY TO THE CHARGE OF LUNACY.

[*From the Evening Post, Jan. 30, 1835.*]

THE Bank tory presses originated the imputation of lunacy against the conductors of this journal, and the echoes of the Albany Argus have caught up the cry, and rung the changes upon it, until very possibly many of their readers, who do not read the Evening Post, may suppose it has some foundation in truth. One good-natured editor in Connecticut, we perceive, has taken the matter up quite seriously in our defence, and seeks to prove that we are not crazy in the full sense of the word, but only partially crazy, or suffering under a species of monomania on the subject of monopolies. We are infinitely obliged to our benevolent defender, and in return for his courtesy beg leave to assure him, that if our views on the subject of banks and corporations are evidence of the malady he imputes to us the disease is endemic in this state, and not even Governor Marcy's proposed magnificent lunatic asylum would be capable of containing one hundredth part of the monomaniacs who now go at large, and are generally supposed to be in the full enjoyment of their senses.

The charge of lunacy against an antagonist whose arguments are not refutable is neither a very new nor very ingenious device. Its novelty is on a par with its candour. It is a short and wholesale method of answering facts and reasonings, of which weak and perverted minds have ever been ready to avail themselves, and it has ever been especially resorted to against such as have had the boldness to stand forward as the asserters of the principles of political and religious liberty. Those who are unable to refute your arguments, can at least sneer at their author ; and next to overthrowing an antagonist's doctrines, it is considered by many a desirable

achievement to raise a laugh against himself. To be laughed at by the aristocracy, however, (and there are too many aristocrats who, to answer selfish purposes, rank themselves with the democracy) is the inevitable fate of all who earnestly strive to carry into full practical operation the great principle of equal political, civil, and religious rights. To escape "the fool's dread laugh," is therefore not to be desired by those who are ardent and determined in the cause of true democratic principles. Such derision they will consider rather as evidence of the soundness of their views, and will be inclined to say with John Wesley, "God forbid that we should not be the laughing-stock of mankind!"

But we put it to every reader seriously, whether, in all they have seen against the doctrines maintained by this paper on the subject of banks and corporations, they have yet found one single argument addressed to men's reasons, and tending to show that our views are wrong. They have read, doubtless, a deal of declamation about our ultraism and our Jacobinism; they have seen us called a Utopian, a disciple of Fanny Wright, an agrarian, a lunatic, and a dozen other hard names. They have seen it asserted that we are for overthrowing all the cherished institutions of society; for breaking down the foundations of private right, sundering the marriage tie, and establishing "a community of men, women, and property." But amidst all this declamation—amidst all these groundless and heinous charges, have they yet found one editor who had the candour fairly to state our views, and meet them with calm and temperate argument? If they have found such a one, they have been more fortunate than we.

While the principles which we maintain are subject to such constant and wilful misrepresentations, it may not be without use frequently to repeat, in a brief form, the real objects for which we contend. All our agrarian, utopian



and anarchical views, then, are comprehended in the following statement of the ends at which we aim.

First, with regard to corporations generally : we contend that it is the duty of the legislature, in accordance with the principle of equal rights, on which this government is founded, to refrain, in all time to come, from granting any special or exclusive charters of incorporation to any set of men, or for any purpose whatever ; but instead, to pass one general law, which will allow any set of men, who choose to associate together for any purpose, (banking alone temporarily excepted,) to form themselves into that convenient kind of partnership known by the name of corporation.

Second, with regard to banking : we contend that suitable steps should be immediately taken by the legislature to place that branch of business on the same broad and equal basis : that to this end, no more banks should be created or renewed ; that existing banks should be gradually curtailed of their privilege to issue small notes, until no bank notes of a smaller denomination than twenty dollars should be in circulation ; and that then the restraining law should be repealed, and the community left as free to pursue the business of banking, as they now are to pursue any business whatever.

We are not in favour of pulling down, or overthrowing, or harming, in any way, any existing institutions. Let them all live out their charters, if they do nothing in the meanwhile to forfeit them ; and as those charters should expire, the very same stockholders might, if they chose, associate themselves together in a voluntary corporation, under the proposed general law, and pursue their business without interruption, and without let or hinderance.

The grand principle which we aim to establish is the principle of equal rights. The only material difference between the present system, and the system we propose,

is that instead of exclusive privileges, or particular facilities and immunities, being dealt out to particular sets of individuals by the legislature, all kinds of business would be thrown open to free and full competition, and all classes and conditions of men would have restored to them those equal rights which the system of granting special charters of incorporation has been the means of filching from them.

All our Utopianism, Jacobinism, Agrarianism, Fanny Wright-ism, Jack Cade-ism ; and a dozen other *isms* imputed to us, have this extent, no more. It would argue that there was something very rotten in the democracy of the present day, if for entertaining and strenuously asserting such views, the conductors of a public journal, whose business and pride it is to maintain democratic principles, should be generally supposed to labour under mental derangement. If this is lunacy, it is at all events such lunacy as passed for sound and excellent sense in Thomas Jefferson. The sum of a good government, as described by that illustrious champion of democracy, is all we aim at—"a wise and frugal government, which shall restrain men from injuring one another ; shall leave them otherwise free to regulate their own pursuits of industry and improvement ; and shall not take from the mouth of labour the bread it has earned."

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## THE SENATE OF THE UNITED STATES.

[*From the Evening Post, February 3, 1835.*]

It is a good old republican custom, sometimes, nay often, to call the attention of the people to the conduct of the different branches of their Government, legislative, as well as executive and judicial. The people, whose province and whose duty it is to stand sentinel over their

rights, and over that Constitution which was devised solely for their security, should never sleep on their posts, for the encroachments of power are like the pestilence, that walketh in darkness, and no one can tell when they will come.

The present organization and late course of the Senate of the United States are, in our opinion, serious subjects for the deep consideration of all who value the representative principle in its purity, or who look to the true spirit of the Constitution. A majority of the states and the people is represented by a minority of that body, the majority of which is acting in defiance of both. This majority is enabled to carry its measures by the aid alone of those members who are acting entirely independent of any other impulse than that of their own sovereign will. While these Senators are pretending to stickle for the rights of the states, they are setting at naught the authority of those very states, and in the language of Mr. Madison, instead of "giving to the State Governments such an agency in the formation of the Federal Government as must secure the authority of the former," are depriving them of all agency whatever, except that which is directly contrary to their instructions.

This bold defiance of the public will, it is believed, is stimulated and sustained by the influence of a combination of political enemies, who, while they differ, in their fundamental principles, agree in one point, that of opposing the public voice and thwarting the wishes of the people. Living upon the reputation acquired by former services and trading on a stock of integrity long since exhausted, these distinguished men, for distinguished they certainly are by political arts, if not by political wisdom, despairing it would seem of rising to the summit of their ambition on the billows of popular applause, are determined to revenge their disappointment by opposing the public will. Certain little men around them, seduced by

their example, or probably deluded by their eloquence, have caught the contagion of disobedience, and masking their personal insignificance behind the shield of sturdy independence, crow defiance in the teeth of their constituents with all the arrogance of ill-founded self-sufficiency. They neither, forsooth, represent the states nor the people; they represent the Constitution of the United States, and like watchful guardians, prey upon the treasure they affect to guard.

Under the scattered banner of these independent politicians, who trade on their own bottom, the majority of the Senate so constituted as we have stated, is gradually taking the lead of the House of Representatives, the peculiar guardian of the people. Not content with assuming the right of impeachment, which is exclusively the constitutional prerogative of the House of Representatives, it has constituted itself the grand inquest of the nation, which it no longer represents. It delegates its authority to itinerant committees, which travel about during the recess of the Senate taking *ex parte* testimony against public and private individuals. It forestalls the action of the House of the people, the proper organ of the popular will, and contrary to established custom as well as obvious propriety, takes the lead in all those great national questions which it was evidently the design of the Constitution should be first proposed and decided in that body which most immediately emanates from the sovereign power. There might be sufficient grounds of justification for the majority of the Senate representing a minority of the states, were they to confine themselves to assuming the lead in questions purely constitutional. But they have widely overstepped the bounds of this, their peculiar province, and every day exhibit an unseemly ambition to go foremost in very thing. The Constitution, for example, says that "all bills for raising revenue shall originate in

the House of Representatives." This provision is in strict accordance with the first and best principles of liberty. It constitutes one of the great safeguards against the encroachments of power on the part of the less popular branches of government, because it leaves it entirely to the immediate and peculiar representatives of the people to withhold appropriations for all purposes of which they do not approve. They are the proper guardians of the money of the people, and, being possessed of the exclusive right of originating revenue bills, can, as they ought to do, entirely control the ambition or prodigality of the other branches of Government.

The reasons which govern in the case of raising, apply to the expenditure of the public money, or the voting of any moneys whatever, either out of the existing public funds or in anticipation of them. The vote for raising a revenue, and that for expending it, either before or after it is raised, seem so analagous in their application to the principles just laid down, that it appears difficult to separate them. Both should originate in the House of Representatives, and be sanctioned by it, before being taken up by the Senate, whose example and influence operating on the former, might improperly control its action, and cause it to lose sight of its responsibility to the people. In one word, we doubt the right of the Senate to vote any appropriation of the people's money, except it be first sanctioned by the House of Representatives.

The Senate has consumed a considerable portion of the present session in debating a bill for the appropriation of five millions of the public money, to be raised from the people, for the payment of certain unliquidated demands on the French Government. The question of national obligation to pay this money is of no consequence to this argument, and therefore we pass it by. We would only ask whether a bill to pay money, which,

if paid at all, must be raised by a revenue bill, is not, if not a revenue bill, at least its legitimate father? So far as the sanction of the Senate goes, it is an application of the public money which can be raised in no other way than by a revenue bill. It seems to us that if the Senate can originate the one, they can the other with quite as much reason. The principle is much the same, and there is strong ground for believing that the spirit, if not the letter of the Constitution, includes both the raising and the expenditure of the public revenues.

What would be the use of this provision otherwise? Had it been entirely omitted in the Constitution, the Senate could no more have raised a revenue without the assent of the other House than it can now. The object was, that as the people pay the revenue, their immediate representatives, acting it is to be presumed in conformity with their will, should have the first say in the business. It was to secure to the people, as far as possible, a direct controul over the expenditures of the government, by giving them a right of first deciding on their propriety or necessity. Do not precisely the same reasons apply to the assumption of the Senate to appropriate five millions of the money of the people, which can only be provided for by a revenue bill? Has the voice of the people, or of their representatives been heard, or their opinions ascertained through the medium of their appropriate organs? Certainly not. Yet the bill is jogging on in the march of wild legislation, and so far as the decision of the Senate can be anticipated, and so far as that decision is to go, the people are to be saddled with five millions of debt at the present time besides ten times that sum in future, by a bill originating in the Senate, which, though not a revenue bill, involves the direct necessity of "raising a revenue!"

We have no idea that any thing we or the people may say on this or any other encroachment of the Senate, will

have any influence on the majority of these lordly contempters of the popular will. Underpretence of vindicating the Constitution, they may violate its letter and spirit at pleasure, and during six years at least, enjoy the enviable satisfaction of "defending the people from their own worst enemies, themselves." Still there may be some little use in agitating the subject of senatorial assumption—we will not call them by so harsh a name as usurpations—if it be only that of awakening the sleeping dignity of the House of Representatives to a recollection of its ancient precedence in all money matters at least. We take it that this is a popular government, and that all questions in which the people are deeply and extensively interested, and most especially all those involving expenditures of money, should be first passed upon by those most likely to feel and obey the impulse of the popular will.

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### GOVERNOR McDUFFIE'S MESSAGE.

[*From the Evening Post, February 10, 1835.*]

GOVERNOR McDUFFIE, in his late message to the Legislature of South Carolina, has promulgated various errors in relation to the views and principles of the democracy of the middle and northern states, which might excite astonishment at his ignorance, or regret at his insincerity, did we not know that they are founded on the misrepresentations of the Bank tory organs of this part of the world. Great pains have been taken by these to persuade the people of the south, that all the violent anathemas uttered against the system of slavery, by enthusiasts and fanatics in this quarter, and all their dangerous zeal for immediate emancipation, originate with the democracy. The charge of agrarianism, also,

which has with such marvellous propriety been urged against this journal, because it supports the doctrine, not of an equalization of property, which is an impracticable absurdity, but because it maintains the principle of equal political rights, seems to have excited the sensitive apprehensions of the Governor of South Carolina, and prompted him to the utterance of sentiments which we are sorry to see avowed on such a public and grave occasion, as that of addressing the legislature in his official capacity.

We must beg leave to set Governor McDuffie right on these points. In the first place, what is called agrarianism by the Bank tory presses is nothing more than the great principle which has always been maintained with peculiar earnestness by the southern states, and most especially by Virginia and South Carolina. It is simply an opposition to all partial and exclusive legislation, which gives to one profession, one class of industry, one section of the Union, or one portion of the people, privileges and advantages denied to the others, or of which, from the nature of their situation and circumstances, they cannot partake. It is opposition to bounties, protections, incorporations, and perpetuities of all kinds, under whatever mask they may present themselves. It is neither more nor less in short, than a denial of the legislative authority to grant any partial or exclusive privileges under pretence of the "general welfare," the "wants of the community," "sound policy," "sound action," "developing the resources and stimulating the industry of the community," or any other undefinable pretence, resorted to as a subterfuge by avarice and ambition. This is what the whig papers, as they style themselves, hold up to the South as a dangerous doctrine, calculated to unsettle the whole system of social organization, and subject the rights



of property to the arbitrary violence of a hungry and rapacious populace !

We would ask Governor McDuffie if this is not, to all intents and purposes, the doctrine of those who maintained the independent authority of the states, in all points where it was not voluntarily and specifically surrendered to the Federal Government ? Did they not repudiate and deny the power of that government to grant charters of incorporation ? And when the Convention which formed the Constitution of the United States rejected the plan of a national or consolidated government, was it not mainly on the ground that it would place the states, and what is the same thing, the people of the states, wholly at the mercy of a power, which might, if it pleased, under the specious pretext of the "public welfare," sacrifice the interests of one state, or one section, to those of another, and thus introduce a system of partial and exclusive legislation ? If such a system, adopted by the Federal Government, would be injurious to the rights of the states ; so is it now when adopted by a state legislature towards the people of a state just as injurious to the rights and liberties of the great majority, because it is the very essence of such privileges, that, to be worth having, they must of necessity be confined to a small minority. Governor McDuffie cries out against the oppressions inflicted on a minority of the states, by a partial system of federal legislation, and the democracy of the north exclaim against a similar system adopted by our own legislatures to the prejudice of the rights of a majority of the people. Which has the broadest ground of action, he who maintains the rights of the few or he who maintains the rights of the many, in a government the first principle of which is, that within the limits of the Constitution, the majority of the people must and ought to govern ?

Governor McDuffie is still more misled in his ideas of the part taken by the democracy of this and the eastern states in the mad and violent schemes of the immediate abolitionists, as they are called. He may be assured that the abettors and supporters of Garrison, and other itinerant orators who go about stigmatizing the people of the south as "men stealers," are not the organs or instruments of the democracy of the north, but of the aristocracy—of that party which has always been in favour of encroaching on the rights of the white labourers of this quarter. It is so in Europe, and so is it here. There, the most violent opponents of the rights of the people of England, are the most loud in their exclamations against the wrongs of the people of Africa, as if they sought to quiet their consciences, for oppressing one colour, by becoming the advocates of the freedom of the other. Daniel O'Connell is one of the few exceptions, and even he, in one of his speeches, with the keenest and most bitter irony, taunted these one-sided philanthropists with perpetuating the long enduring system of oppression in Ireland, while they were affecting the tenderest sympathy for the blacks of the West Indies. Was Rufus King, the great leader on the Missouri question, a representative of the democracy of the north? and were not the interests of the planters of the south sustained by the democracy alone?

Governor McDuffie may make himself perfectly easy on the score of the democracy of the north. They are not agrarians, nor fanatics, nor hypocrites. They make a trade neither of politics, nor philanthropy. They know well that admitting the slaves of the south to an equality of civil and social rights, however deeply it might affect the dignity and interests of the rich planters of that quarter, would operate quite as injuriously, if not more so, on themselves. The civil equality might affect both

equally, but the social equality would operate mainly to the prejudice of the labouring classes among the democracy of the north. It is here the emancipated slaves would seek a residence and employment, and aspire to the social equality they could never enjoy among their ancient masters. If they cannot bring themselves up to the standard of the free labouring white men, they might pull the latter down to their own level, and thus lower the condition of the white labourer by association, if not by amalgamation.

Not only this, but the labouring classes of the north, which constitute the great mass of the democracy, are not so short-sighted to consequences, that they cannot see, that the influx of such a vast number of emancipated slaves would go far to throw them out of employment, or at least depreciate the value of labour to an extent that would be fatal to their prosperity. This they know, and this will forever prevent the democracy of the north from advocating or encouraging any of those ill-judged, though possibly well-intended schemes for a general and immediate emancipation, or indeed for any emancipation, that shall not both receive the sanction and preserve the rights of the planters of the south, and, at the same time, secure the democracy of the north against the injurious, if not fatal consequences, of a competition with the labour of millions of manumitted slaves.

If any class of people in this quarter of the Union have an interest in this question, independent of the broad principle of humanity, it is the aristocracy. It is not those who labour and have an interest in keeping up its price, but those who employ labour and have an interest in depressing it. These last would receive all the benefits of a great influx of labourers, which would cause the supply to exceed the demand, and consequently depress the value of labour; while the former would not only

experience the degradation of this competition, but become eventually its victims.

If we look back to the political history of this country, it will be found that the true democracy of the north has always supported the southern policy. They sustained every republican candidate for the Presidency from that section of the Union (for such we considered General Jackson) and their uniform co-operation distinctly indicates a near affinity of interests and principles between the republicans of the south and the democracy of the north. The latter will probably, at the ensuing Presidential election, put forward a candidate identified with these interests and principles, and will the former desert their old friends, who never deserted them? Will they aid in dividing and distracting the republican party by multiplying candidates, and thus by throwing the decision upon Congress, pave the way for a successful intrigue that may again cheat the people of their choice, and restore the ascendancy of an aristocratic faction which has always been arrayed in opposition to their interests.

Again we assure Governor McDuffie, and all those who imagine they see in the democracy of the north, the enemies to their rights of property, and the advocates of principles dangerous to the safety and prosperity of the planters of the south, that they may make themselves perfectly easy on these heads. The danger is not in the democratic, but the aristocratic ascendancy. The whole is a scheme of a few ill-advised men, which certain whig politicians have used to set the republicans of the south against the democracy of the north, and thus, by dividing, conquer them both.

## THE FERRY MONOPOLY

[*From the Evening Post, February 18, 1835.*]

WE have received from Albany a copy of the Report of the Select Committee of the Assembly on the several petitions addressed to that body, relative to the establishment of additional ferries between this city and Brooklyn. The petitioners ask that an intelligent and impartial board of commissioners may be appointed, with full powers to establish ferries between New-York and Long Island, and that the present rates of ferriage be reduced. The fact that additional means of communication between the cities of New-York and Brooklyn are very much needed, that the present rates of ferriage are exorbitantly high, and the accommodations none of the best, is too notorious for any one to deny. It is also a well-known fact, that numerous responsible persons have frequently and vainly petitioned the corporate authorities of this city for permission to establish another ferry, offering to bind themselves to furnish suitable accommodations, and to pay too a large sum for the desired "privilege." In consequence of the rejection of all these applications, resort has at last been had to the State Legislature.

The power of establishing ferries over the East River is claimed by the corporate authorities of this city as a franchise conferred upon them by the ancient charters, and confirmed by various subsequent acts of state legislation.

The Report before us contends that "the authority to establish ferries, granted to the city of New-York by charter, is to be considered, not as a monopoly for the purpose of revenue to the city, but as a delegated legislative power, to be exercised with the same regard to the convenience of the public, as the legislature themselves would exercise it." They further argue that "although

the charter declares that the Common Council shall have the *sole* power of establishing ferries, yet that this only means that this power, *as a delegated authority*, should be possessed by them, *to the exclusion of any other office, tribunal, or public body*," and that the power may be altered modified, repealed, or resumed, at the discretion of the legislature, always taking care, of course, it is to be presumed, not to violate the public faith, as pledged by the acts of the Common Council in the exercise of the authority delegated to them.

In the difficulties which citizens now experience to obtain reasonable facilities of communication between New-York and Brooklyn, a forcible illustration is afforded of the absurd and oppressive nature of monopolies. The question how far the power to regulate this matter has been granted to the Common Council of New-York, and how far it yet resides in the legislature of the State is one which we have not qualified ourselves to answer. It seems to us, however, from an attentive perusal of the Report, and a reference to some of the authorities there mentioned, that the positions assumed in that document are sound, and that the Legislature have a primary, unalienated and supreme control over the whole matter in dispute.

Be this as it may, the common sense view of the subject plainly teaches that there ought to be no further legislative or municipal interference with the business of ferriage, than is demanded by a simple regard for public safety and convenience. We have not time to go into any argument to-day ; but on this subject, as on all others, we are the advocates of the principles of *free trade*. We would put no hinderance in the way of any man, or set of men, who should choose to undertake the business of ferrying people across the river. The public interests would be best served by leaving the matter to regulate itself—or

rather leaving it to be regulated by the laws of demand and supply. Free competition would do more to insure good accommodations, low prices, swift and safe boats, and civil attendants, than all the laws and charters which could ever be framed. The sheet of water which separates New-York from Brooklyn ought to be considered as a great highway, free to whomsoever should choose to travel on it, under no other restriction than complying with certain regulations for the mutual safety and convenience of all : such regulations as are now enforced with regard to private vehicles in the streets and public roads. Yet since the corporate authorities choose to turn every business that they possibly can into a source of revenue to the city, they might make a license necessary for ferry-boats, as is now done with regard to the Broadway and Bowery omnibusses. Even this tax is an infringement of those sound principles of political economy which ought to govern in the matter ; but it could not be objected to in the case of ferries, while it is recognized in that of stage coaches.

In making these remarks, we are by no means forgetful of the "chartered rights" of those who now have the "exclusive privilege" of carrying people to and fro between New-York and Brooklyn. Much as we detest the principle of such monopolies, we would by no means justify any invasion of the rights duly granted to them. The public faith is pledged, and, at the expense of any temporary inconvenience, let it be preserved inviolate. But though the Corporation ought not to invade the rights which have been foolishly granted, yet as far as they still retain any control over the subject, they might restore to the community their natural rights, and leave those who wish to establish other ferries to make the best terms they can with the existing monopolies. Such a course is in reality dictated as well by selfish and local

interests as by an enlarged and liberal view of the whole question. Every additional facility of access to this metropolis increases its general prosperity. We are aware that pains have been taken to create a belief that the establishment of more ferries would injuriously affect the prices of property in the upper part of the city, and that narrow and selfish opposition has been thus engendered. But we think it could be demonstrated that every additional means of communicating with Long Island will add to the prosperity of New-York. Be this as it may as respects owners of real estate, there can be no question that it is true with regard to the great body of the people.

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### THE OPPOSITION IN THE SENATE.

[*From the Evening Post of Feb. 24, 1835.*]

THE Senate of the United States occasionally presents a spectacle calculated to excite wonder, if not ridicule, at the inconsistencies of many of its distinguished leaders. On the one hand we see Mr. Calhoun, who has carried the doctrine of State Rights to the very verge of the greatest possible extreme, proposing a scheme of reform, which, if adopted, will place the states on the pension list of the United States for eight years to come at least. Of all the plans we have yet seen propounded by great statesmen to increase the influence of the federal government, and to impoverish the people at the same time, that of raising a revenue only to distribute it again, minus the deduction the expenses of collecting and distributing, appears to us the most preposterous. Besides this inevitable loss to the people, they will of necessity lose the use and the interest of this surplus revenue, which Mr. Cal-



houn calculates at nine millions per annum, during the whole period which elapses from the time of paying to that of receiving it back again. The scheme of the honourable Senator from South Carolina for enriching the States, reminds us of the honest trader who always sold his goods below cost, and lived by the loss.

But there is no danger that those who pay the surplus of nine millions per annum for seven or eight years will ever see their money again. The current of taxation is like that of the Mississippi: it always runs one way; it flows into the great ocean of public expenditure, and is lost in oblivion. The money returned to the States will never find its way into the pockets of its old owners again. It will come into the hands of certain officers of the State Governments, who will infallibly apply it to "the public good," that is to say, "supplying the wants of the community," "giving energy to public enterprise," "providing new avenues for the surplus products of the country," &c. &c.; all which, done into plain practical English, means nothing more or less than distributing the money contributed equally by the whole community in political bribes, or to further the schemes of a few speculating politicians, who make a trade of patriotism, and apply the confidence of a deceived people solely to their own interested purposes.

In the midst of these extraordinary schemes of reform, supported by arguments equally extraordinary, we see a system of most extravagant expenditures adopted by these original reformers, for the encouragement of printing and bookmaking it would seem. The reformers are determined that the people of the United States and their representatives shall be enlightened. They have from time to time voted a few hundred thousands of dollars for printing vast numbers of speeches and reports which would take the people years to read, and ages to compre-

hend. In order to make sure of the people becoming thoroughly enlightened, they have distributed only the arguments on one side of the question, from a just apprehension that if the other was presented they might be placed in the situation of a certain animal between two bundles of hay, and suffer an intellectual starvation in the midst of too great plenty.

In addition to this expedient of economy, the reformers in the Senate have voted a few hundred thousands more for the double purpose of supplying themselves with books, and, as has been surmised, of enabling certain meritorious printers of newspapers to employ the money of the people in opposing the administration of their choice. Thus they kill two birds with one stone. They supply themselves with a library comprising a vast accumulation of useless knowledge, and thus enable themselves to legislate to the greatest advantage, and they at the same time foster the spirit of literature by multiplying books that nobody reads. Now, for our humble selves, we think this mode of fitting legislators for the performance of their duties, *after* they are chosen, is putting the cart before the horse. In our opinion they should by all means be qualified beforehand, as in all other trades, in which a man serves his apprenticeship before he sets up in business. This *extempore* education reminds us of the story of an honest Frenchman, who, having occasion for spiritual advice called several times on his bishop, but was always put off with the excuse that he was at his studies. Upon which, getting at last out of all patience, he exclaimed, "I wish to heaven our king would send us a bishop who had finished his education."

We see no special propriety in legislators finishing their education at the expense of the people; or if they will do this, it seems but just that the other functionaries of the government should be put on the same footing. It was

a terrible infraction of the great precept of doing as we would be done by, to refuse the Attorney General an appropriation for law books, while Congress is every day voting itself a supply of books of legislation. It is rumoured that more than one of the honourable members has set up a book store at the seat of government, and that others who have been overlooked by the people at the last election, intend commencing business at home, on the stock in trade acquired by a few years of services to the people.

On the other hand, we see Mr. Clay and his band of reformers, strenuously opposing the increase of executive patronage, by advocating the principle of appointments for life, or at least during good behaviour. Does it not strike the honourable Senator that, if, as he presumes, the whole body of public officers are "the supple tools of Executive power," that these men, being entirely governed by motives of self-interest, will make much greater sacrifices for an appointment for life, or during good behaviour, than for one of four years, subject to the will of the Executive, or the vicissitudes of political changes? If he looks into history, he will find the atrocities committed by kings and nobles to secure themselves the possession of hereditary honours and hereditary power, beyond all comparison greater than those of men struggling only for a temporary superiority. The greater the boon the greater the sacrifice; and a great man who would thwart the wishes of the people for the sake of a temporary office, might be tempted to plunge his country into all the horrors of a revolution to render the possession permanent.

But what right does Mr. Clay brand the whole class of office holders, with being "the supple tools of Executive power?" Does he speak from his own experience, or is this high charge the result of his exalted opinion of

human nature ? That distinguished person is himself at this moment in office, and has been nearly all his life seeking offices. We do not urge this as a reproach ; for situations of honour, emolument and trust, are objects not unworthy of the highest character in this country, and if they are gained by means and exertions becoming a man of principle and independence, they are badges of honour, not of disgrace. A gentleman once standing so high, and still standing high in the estimation of a considerable portion of this Union, ought to be above repeating the miserable slang about office holders, with which every petty disappointed demagogue solaces his miseries, and assuages the aggravated inflammation of his political buffetings. It is unworthy of him, and is an extravagant assumption. One great fault in the system of political ethics acted upon by Mr. Clay and his whig partizans, is that of underrating the virtue and intelligence of the people. They ascribe that to the influence of office holders, which is in reality the result of public intelligence and feeling, and stigmatize as the corrupt instrument of "the supple tools of Executive power," what in reality is nothing more than enlightened perception of their own rights and interests on the part of the people. Mr. Clay and his partizans have been defeated by the free people of the United States, and not by a combination of "supple tools of Executive power." His own party once had the same means of corruption in their hands. Were they too pure to use them ; or were the people incorruptible ? Again we repeat, the slang is unworthy the high source whence it emanated on this occasion. It is in fact a general and sweeping charge against the character of the people of the United States, because it directly intimates that they are all equally assailable by corruption, or that they are instruments in the hands of "the supple tools of Executive power."

But while expressing our just reprehension of this most illiberal denunciation, we cannot forbear a burst of unfeigned pleasure at the assertion of the honourable Senator which follows. Mr. Clay insisted that, "Responsibility was as essential an ingredient of a free government, as the vital air which surrounds us was necessary to animal life. Every officer was responsible to the people; all were public servants." We should like to have seen how the "responsible" Senators from New-Jersey, Alabama, Mississippi and North Carolina looked at receiving such a lecture as this. It was a most unkind cut thus to tell them to their faces that they had been existing for so long a time without the "vital air," which was "absolutely necessary for animal life," and that of consequence they "smelt of mortality." If they, or any one of them, except Mr. Frelinghuysen, ever forgive him, they are better Christians than we supposed.

In the midst of these scenes, which are calculated to create a surmise that frequent disappointments, like too much learning, are apt to make men mad, we turn with great pleasure to the manly, consistent, and straightforward course of the distinguished Senator from Missouri, Colonel Benton. Vigorous, intelligent and indefatigable; without fear and without reproach; equally remarkable for the sagacity and clearness of his intellect, and the unfaltering industry of his research; always ready, always profound, and always irresistible, he marches straight forward, right into the trenches of his adversaries, and routs them from every fancied strong-hold they occupy. The Republic owes him much, and we trust that it will not be found ungrateful.

[From the Evening Post, March 6, 1835.]

WE devote the entire reading portion of our paper to-day, together with some additional columns borrowed from advertisements, to the proceedings of Congress on the two last days of the session. It will give our readers great pleasure to perceive that the protracted discussion in the House of Representatives on the subject of our differences with France, at last terminated in *the unanimous adoption of a resolution that the treaty with France ought to be maintained, and its execution insisted on.* Mr. CAMBRELENG has entitled himself to the greatest credit for his able, conciliatory and truly American course on this question. And of Mr. ADAMS we must say, also, that though not entirely free from his old trick of "dodging," he behaved on this question, on the last day of the discussion, in a manner which, if it more frequently characterized his conduct, would very materially increase his claims to the respect of his countrymen.

That our readers may have before them the means of ascertaining what has been done and what left undone by Congress, we publish to-day a list of the bills which have received the assent of both branches of that body, and now only require the signature of the President to be laws of the land. A glance at this list will serve, more forcibly than any thing we can say, to show how shamefully the National Legislature have trifled away the session. But few of the important measures which the country looked for at their hands have been attended to. The hour of their dissolution arrived without their having consummated a tenth part of the business for which they convened. Never, since the adoption of the Constitution, was there a more utterly unprofitable session of

Congress. The Senate, governed to the last by its factious spirit—its ruling passion of hostility to the President and to the democracy of the country, strong even in death—did all in its power to embarrass the other House, and defeat those measures which are imperatively demanded by the posture of our Foreign affairs.

It will be seen that in this venomous and spiteful temper that body voted against the appropriation of three millions to put the country in a posture of defence, and voted against it on the shallow pretence that such an appropriation was placing both the sword and purse in the hands of the Executive! A factious majority—among which we are glad to see the name of but one of those who have hitherto supported the administration, and sorry that that one is Judge WHITE—have dared to take upon themselves the responsibility of defeating a bill absolutely indispensable in the present emergency to the safety of our country. We shall be mistaken, indeed, if public sentiment do not brand this proceeding with the name of infamy which it deserves. We look on each individual who voted against that most just and wise and necessary appropriation, as guilty of little less than treason. We ask on this subject, attention to the article from the Globe of yesterday, giving some account of the factious conduct of the Senate.

The Judiciary bill, the prime object of which was to defeat the nomination of Mr. TANEY, as a Judge of the Supreme Court, did not receive the concurrence of the House of Representatives. The debate on this subject will be found interesting. The National Intelligencer remarks that the nomination of 'Mr. TANEY was indefinitely postponed by the Senate in Executive session, on Tuesday evening.

We rejoice that the insulting clause added by the Senate, on motion of DANIEL WEBSTER, to the General Ap-

propriation bill, was indignantly rejected by the House. Mr. Adams did himself great credit by the spirit which he displayed on that occasion. We do not agree with him in the position that it is within the constitutional power of the President to fill the vacancy in the mission to England without the advice and consent of the Senate, but on the contrary we are at a loss to perceive how any intelligent mind can find a shadow of authority for such a proceeding in the language of the Constitution, which to us seems most plainly to withhold the power of appointment from the President, without the concurrence of the Senate, except in a case which, as regards the embassy to England, does not now exist. But whether the President has or has not the constitutional right to appoint a minister during the recess, the clause added to the appropriation bill was equally improper. and deserved the pointed condemnation which it received from the House. If the President has a right to appoint, the Senate have no business to limit the exercise of his constitutional powers : if he has not the right to appoint, they have no business to insert a clause of limitation under the presumption that he would exceed his constitutional powers.

We have left ourselves room barely to ask the attention of our readers to the exposition made by the Washington Globe of Tuesday respecting the unworthy conduct of the majority in the Senate on the subject of Mr. Benton's expunging resolution. This ignoble triumph, obtained by legislative trickery, will be of short duration.



## THE SENATE AND THE FRENCH QUESTION.

[From the *Evening Post* of March 9, 1835.]

ALL parties and all men in this country must unite in the opinion that the omission, on the part of Congress to provide for the national defence, in the present posture of public affairs, is deeply censurable. Fall the blame where it may, this is an instance of remissness which all must alike condemn. Difference of opinion may exist in alloting the censure, but there can be no difference as to the fact of the censure being deserved. Our relations with France are now in such a situation that it may be considered an even chance whether we shall have peace or war. Some of our best informed citizens, who have resided much abroad, and are intimately acquainted with the sentiments and temper of many of the leading members of the French Government on the subject of the indemnity due to this country, consider war as more probable than we have stated. But whatever may be the degree of probability, no one can shut his eyes to the fact that our relations with France are such as imperatively require that we should be prepared for hostilities. Our minister at Paris, in an official communication to his Government, has stated it as his deliberate opinion, that if the French Chamber of Deputies should again reject the bill of indemnity, it is highly probable that *France would anticipate our reprisals by the seizure of our vessels in her ports, and an attack on our ships in the Mediterranean with a superior force.* Her hostile measures in such an event would not be limited to these acts. We might hourly expect to hear of a French fleet upon our coast; and the first intelligence of their approach might be the booming of their cannon, as they poured their volleys into our unarmed fortresses, and sweeping by them,

entered unresisted into our very harbours. Where then would be our forces to beat them back? Where would be our navy, to meet them midway on the seas, and guard our shores from the ravages of the foe? Where would be our coast defences, to bar the entrance of hostile fleets? Shall such a state of things arrive, and find us without an army; with our ships of war dismantled at the docks, and our fortresses delapidated and unmanned? Is the country to be thus taken by surprise, unprepared to strike a single blow for the maintainance of its vaunted freedom, and subject to be overrun and harried by an insolent foe? And why must we run the hazard of this incalculable evil?

The obvious and only answer to this question is, because the Senate of the United States did not choose to trust the spending of three millions of dollars for the national defence to the discretion of the Chief Magistrate of the nation! We see at the head of our Government a man recently elected to that exalted station by an overwhelming majority of the free suffrages of the people; a man of unequalled military experience and sagacity; a man who, since his first elevation to the highest office of the country, in all the difficult and trying questions on which he has been called to act, has so borne himself as to command, more and more, at each successive exhibition of his character, the admiration, the esteem and the gratitude of the people. This is the man whom the Senate would not trust with the expenditure of three millions of dollars, to put the country in an attitude of defence, if events should occur before the next session of Congress to render defence necessary. This is the length and the breadth and the depth of the question. The Senate have left the country defenceless, rather than trust the ordering of its defence to the wisdom and patriotism of a Chief Magistrate who possesses, and has nobly

earned, the people's unlimited confidence. Partizan newspapers and partizan orators may fume and vapour as they please ; but this is the naked simple fact. The Senate have incurred this tremendous responsibility ; and no art of sophistry, and no device of misrepresentation can shift it from their shoulders to those of the other branch of the national legislature.

The very eagerness of the National Intelligencer to throw the blame of this most parricidal conduct on a distinguished member of the House of Representatives, shows the prophetic consciousness of guilt on the part of those Senators whose mouthpiece that unprincipled journal is, that the people will judge rightly where the censure belongs. It is all in vain to attempt to throw the odium on Mr. CAMBRELENG. Throughout the whole of this affair, that gentleman's conduct has been dictated by the truest patriotism and the most enlightened policy. From the first to the last, he evinced the strongest desire to merge considerations of party in the higher considerations of what was due to his entire country. Never did he speak in a loftier, more liberal, more conciliatory tone. He laboured earnestly, assiduously, successfully, to have such measures adopted as might properly speak the sentiments of this great nation. To unite as many as possible in such measures, he voluntarily and cheerfully gave up his resolution and adopted in place of it the language of an opponent. When that opponent then cavilled at his own terms, he modified them to obviate the new objection. He seemed not to care on whom the honour of the proceeding should rest, so that the honour of the nation was asserted. In the same spirit, he introduced the proposition to appropriate three millions of dollars to provide for the national defence. This proposition was carried by an immense majority, and among those who voted for it (to their honour be it spoken) were several

prominent opponents of the administration. The Senate rejected the appropriation—rejected it positively, entirely—suggesting no amendment, proposing no alternative. The House again considered it, and again, by an undiminished majority, declared in favour of the measure. Again the Senate, *by a party vote*, rejected it!—and still that body offered no substitute, and intimated no midway course. The House once more took up the subject, and after discussion, a third time decided, by a large majority, to adhere to the appropriation, and appointed a Committee to confer with the Senate. Before that Committee and the Senate's Committee had come to any agreement on the question, the hour had passed on which the functions of the twenty-third Congress expired, and when the Committee of the House of Representatives returned to the Representative Chamber, they found that there was not a quorum present, and that several members who were present refused to vote on any question on the ground that their legislative functions had ceased. This is a brief statement of undeniable facts. Can there be any difficulty, then, in deciding where the censure of the people of the United States ought to fall? By whose act has their country been left in a defenceless situation at a time when it is threatened with a foreign war, and when even now, perhaps, a French fleet is on its way to our shores? No man, who regards truth, and whose mind is not darkened with the worst of prejudices, can fail to ascribe our deplorable situation to the conduct of the factious majority of the United States Senate. Thank heaven, the reign of terror is over!

## UNCURRENT BANK NOTES.

[*From the Evening Post, March, 10, 1835.*]

WE wish some public spirited man who has access to data that would afford a reasonable basis for a conjectural calculation, would furnish us with an estimate of the immense amount of money which is annually lost in this city, by the labouring classes, in the discount upon uncurrent bank notes in circulation. Do the mechanics and the labourers know, that every dollar which is paid in the discounting of uncurrent notes in Wall-street, is filched out of their pockets? That such is the fact is susceptible of the clearest demonstration.

In the first place, the circulation of uncurrent bank notes is chiefly kept up by a direct and infamous fraud upon the working classes. It is a common practise with employers when they pay off their hands on Saturday, to go into Wall-street and purchase of some broker for the purpose, a lot of notes of depreciated value, varying from half to one and a half per cent. below par. These notes they palm off upon their workmen as money. If a master mechanic has a thousand dollars a week to pay to his hands, it is clear that he pockets every week by this operation some ten or fifteen dollars; and it can be shown with equal clearness that those in his employment are defrauded out of this sum. If a man hesitates to take this depreciated paper, he is told that it passes as currently as silver in payment of any thing he may wish to purchase; and so, in truth, it does. Yet he could not exchange it for silver, without paying the broker a discount, and let him not imagine, though he may seem to pass it away to his grocer or his baker at par, that he does not lose this discount all the same. Nay, the mechanic and labouring man whose employers are consci-

entious enough to pay them their wages in real money, bear their full proportion of the loss on the uncurrent notes in circulation, equally with those to whom the depreciated paper is paid. *The entire sum paid for the discount of depreciated bank paper falls on the mechanics and labourers, and is wrung out of their sweat and toil. Nay more : they not only lose the amount which is actually paid for discount to the money changers, but they also pay a per centage on that amount equal to the average rate of profit which merchants charge on their goods. We can make this plain to the dullest apprehension.*

The labouring man, when he returns home of a Saturday evening, with his week's wages in his pocket, in this depreciated paper, stops at his grocer's, and pays him the amount of his weekly bill. The grocer in the course of a few days pays this money away into the hands of the wholesale merchant from whom he purchases his commodities. The merchant, when a certain amount of this kind of paper has accumulated on his hands, sends it into Wall-street, and sells it to the brokers, and when his clerk returns, an entry is made in his books of the amount paid for discount. The sum total paid in the course of a year for the discount of depreciated paper forms an item of expense which is calculated as one of the elements in the cost of his goods. To pay for his goods he is obliged to buy bills of exchange, or in other words, to remit specie to Europe. Whatever this specie costs him, his goods cost him ; and he therefore looks upon the amount he had to pay to turn the uncurrent paper received from his customers into specie as a constituent part of the first cost of his merchandize. Upon the wholesum of the cost, thus ascertained, he puts a certain per centage profit, and fixes his prices accordingly. The retail trader then buying a lot of goods of him, pays him not only a proportional part of the discount which the wholesale mer-

chant actually paid on his uncurrent paper, but a profit thereon. This, however, makes no difference to him, for he has only to put his own profit on above all, and let the loss fall on the labourer, when he comes for his tea and sugar and other little necessities and comforts for his family. That this is a true, though homely exposition of the case, any body must see who will only give himself the trouble to think about it.

The whole amount of uncurrent notes which pass through the broker's hands annually may be stated at a given sum, and the discount thereupon amounts, on an average to a given per-centage. This sum, whatever it is, (and it must be immense) is a tax on the business of the community, which each individual shuffles off his own shoulders on those of the persons next beneath him, and so it descends by gradation till it reaches the broad backs and hard hands of the mechanics and labourers, who produce all the wealth and bear all the burdens of society.

But the mechanics and labourers have it in their power to rid themselves of this imposition. The task is very easy: it is only to learn the efficacy of the word COMBINATION. There is a magic in that word, when rightly understood and employed, which will force the scrip nobility to do them justice, and yield them, without drawback and without cheaterly, the full fruits of their toil. Let them inquire by what means it is that this immense amount of depreciated paper is kept in circulation. They will find it is chiefly through the instrumentality of master-workmen and others having mechanics and labourers in their employment. They will find that this wretched substitute for money is bought, for the express purpose of palming it off upon them as real value, while their task-masters and the brokers share the spoils between them. A mechanic dare not refuse to

take the wretched trash ; because, if he does, he will be turned away to starve. But what a single mechanic may not be able to compass alone, could be easily effected by *combination*. Will the mechanics and labourers wait for eighteen months, in the hope that the juggling law now before the legislature will by that time go into operation, and rid them of the *paper money curse* ? Let them not rest in any such belief. Let them *know their own strength and resolve to be imposed on no longer*. Why are the producers of all the wealth of society the poorest, most despised and most down-trodden class of men ? Because they submit to be the dupes of the scrip nobility—because they are ignorant of their own strength. Let them combine together to demand whatever the plain principles of justice warrant, and we shall see what power there is which can deny them.

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### THE LEGISLATION OF CONGRESS.

[From the *Evening Post*, March 11, 1835.]

WE have been at the pains to count the number of acts passed by Congress at its last session. If we have made no mistake in our enumeration, they amount, in all, to one hundred and fifteen. Of these no less than eighty-four are of a private or local character, and in the remaining thirty-one we do not perceive what there is of so intricate or difficult a character as to have required Congress to continue its legislative functions several hours beyond the period of its constitutional existence. Indeed, we do not know but that body would have continued making laws, or rather making speeches, until this time, had not the indecency of any further violation of the constitution been prevented by the want of a quorum, which at last forced it to adjourn.



We are not aware of any particular clause in the Constitution which ordains that Congress shall be the grand political arena of the country ; yet it seems, by the common consent of all the members, to be so considered, and their whole conduct is squared accordingly. It happens as one of the consequences of this construction, that the legislative business of the nation is generally put off to the latest period, and then huddled through and "slubbered o'er in haste," in the last three or four days of the session. This remark was particularly illustrated by the last Congress. Every thing was crowded into the last few hours, when, owing to the absolute necessity of members attending to their private arrangements, and to agencies committed to them by their constituents, it was difficult to procure the attendance of a quorum, and it continually occurred that, when questions were taken, it was found necessary to move a call of the House, in order to muster the requisite number of members.

By examining the votes given on a large portion of the questions, it will be found that they were decided by a bare majority of the whole number of the representatives of the people, and consequently the constituency of the United States was not properly represented on these occasions. Indeed it has long been notorious that there is great laxity on the part of members in their attendance on Congressional debates, and it is only on great party questions that they can be rallied. Hence, in most cases of a private nature—which it will be seen by our statement constitute nearly three-fourths of the whole—the money of the people is disposed of without the consent or knowledge of their immediate representatives. Thus the great principle of representation is practically frittered away to nothing, and the people are virtually deprived of their voice and influence in the disposal of their own money, and in the assertion of their own rights.

The greater part of every session of Congress is wasted in unprofitable debate. A few great party questions occupy nearly the whole time ; and when, at the close of the term, it becomes indispensably necessary to act, the hours, days, and weeks consumed in talking without acting are redeemed by action without debate or consideration. They fly from one extreme to the other. The favourite maxim of the Albany Argus, *in medio tutissimus ibis*, is no part of the wisdom of Congress. Laws, involving important principles and vast expenditures, are hurried along on a torrent of impetuous legislation, with a precipitancy that defies reflection or analysis, and finally passed, perhaps in the dead of night, by a Rump Congress, consisting of a bare quorum of members, worn out with fatigue, and some of them probably half asleep.

The last days of a session are not the proper period for important acts of legislation, not only for the reasons already stated, but for others of equal weight and importance. The passions, engendered by months of argument, rivalry and contention, always break forth at that period, and produce a state of mind utterly incompatible with calm, temperate consideration. It is the last round of a long fight, and each party summons all its energies to give the decisive blow. In such a state of things it may well happen—as it often has happened—that measures of the greatest importance are debated and decided in a spirit wholly at war with the interests and honour of the nation. Scenes are exhibited calculated to impair that respect which is indispensable to the exercise of authority in a free government. Law-givers become objects of contempt or derision, and the people at last lose that confidence in the representative system, without which there is no security for the permanency of

our Government. That confidence once wholly lost, and they will be ready to throw themselves into the arms of despotism as a refuge from doubt and despair.

Either the present number of representatives in Congress is necessary, or it is not. If the former, then a regular and general attendance is demanded of the members. If the latter, then it is an abuse to saddle the people with the expense of these supernumerary legislators, who spend their time in gallanting the ladies about the city of Washington, or flirting with them in the galleries of the two Houses. If their wisdom is essential to the welfare of the people, then the people who pay them have a right to its exercise : if it is not, it might better be emloyed on their own account at home.

The close of every session of Congress, whether short or long, invariably exhibits a vast mass of public business either not acted upon, or left unfinished, consisting not unfrequently of questions of great and general importance to the whole Union. This lamentable result may be partly owing to the annual increase of private claims not susceptible of judicial decision, and therefore brought before Congress as the only resort. If so, it would seem to be high time to make such a disposition of these matters as may allow ample time to the proper affairs of the nation ; to those general laws which are of universal concern, and the neglect of which is felt in every part of the country.

The cause of this neglect of more important affairs, in the first instance, and this precipitate legislation on them afterwards, will be discovered in the unlimited indulgence of the rage for speech making—the *cacoethes loquendi*, which is the prevailing epidemic in Congress—added to that propensity to private, partial, and local legislation, which is becoming the curse of this country. Almost every member has his budget of matters of this sort, in

which the great mass of the nation has no concern whatever, and which he cannot die in peace without thrusting upon the attention of Congress, and urging with a pertinacity and verbosity precisely in proportion to their insignificance. In this way the people are borne down to the earth with public benefits and harrassed with legislation, and there is some reason to fear that it will be discovered ere long that they cannot breathe without a special act of Congress.

"DO NOT GOVERN TOO MUCH," is a maxim which should be placed in large letters over the speaker's chair in all legislative bodies. The old proverb, "too much of a good thing is good for nothing," is most especially applicable to the present time, when it would appear, from the course of our legislation, that common sense, common experience, and the instinct of self-preservation, are utterly insufficient for the ordinary purposes of life; that the people of the United States are not only incapable of self-government, but of taking cognizance of their individual affairs; that industry requires protection, enterprise bounties, and that no man can possibly find his way in broad day light without being tied to the apron-string of a legislative dry-nurse. The present system of our legislation seems founded on the total incapacity of mankind to take care of themselves or to exist without legislative enactment. Individual property must be maintained by invasions of personal rights, and the "general welfare" secured by monopolies and exclusive privileges.

The people of the United States will discover when too late that they may be enslaved by laws as well as by the arbitrary will of a despot; that unnecessary restraints are the essence of tyranny; and that there is no more effectual instrument of depriving them of their liberties, than a legislative body, which is permitted to

do anything it pleases under the broad mantle of **THE PUBLIC GOOD**—a mantle which, like charity, covers a multitude of sins, and like charity is too often practised at the expense of other people.

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### WHO PAYS FOR UNCURRENT BILLS?

[*From the Evening Post, March 11, 1835.*]

A **RETAIL** grocer receives from his customers in the course of a week say a hundred dollars in uncurrent bills. He cannot take up his promissory note in the bank without getting these uncurrent bills exchanged. He takes them to a broker, and receives ninety-eight dollars in bankable money for them. If this operation is repeated every week, it amounts to say fifty dollars in the course of a year. Out of whose pocket is this paper-money tax paid? Does the grocer incur the loss? Certainly not; he pays it in the first instance, but who indemnifies him? It forms one of the items of his annual expenses, which he is obliged to calculate in putting a profit on his goods. Those who deal with him pay the tax, and who are they? The carpenter, the bricklayer, and the labourer, when they buy a pound of tea, or cheese, or butter, or any other article in his line, to take home to their families. If the currency of the city were specie, or even paper convertible into specie without a discount, the prices of all commodities would undergo a sensible reduction. Every article of consumption is now **charged** from two to three per cent. higher than it ought to be, in consequence of the depreciated currency in circulation. This tax falls almost exclusively on the mechanics and labourers. The profit goes into the pockets of the bankers and brokers. Why should the mechanics and labourers be

burdened to support banks? Are they in the habit of getting discounts? Do they live by bank-favours? No, quite the reverse. The men who live on bank credits are not labourers. "They toil not, neither do they spin;" or if they work at all, it is head-work, the end and aim of which is to supply themselves with luxuries at other people's expense. Is it not a little hard that they who receive none of the benefits dispensed by banks, should be saddled with all the burdens? If they will suffer the scrip nobility to mount them, however, and spur them, like horses, or we might more properly say like asses, it is their own fault, since they have it in their power to throw them off whenever they please. But if they would rather have depreciated paper than real money, though we may wonder at their choice, we shall not quarrel with it. *De gustibus non est disputandum*. Perhaps they prefer, as a matter of taste, a small loaf to a large one. It may be a thing of no consequence to them whether they have to pay ten pence or only eight pence a pound for beef; and to be caught now and then with a few dollars of broken bank notes in their pockets may be considered a capital joke. We should think their relish of this joke would be keener, however, if they had not purchased those notes by several days of hard toil.

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### THE BANK OF THE UNITED STATES.

[From the *Evening Post*, March 12, 1835.]

MOST seriously and earnestly do we ask the attention of the public to the subjoined abstract of the Report of the United States Bank for the first of the present month. In our view of the subject, beyond all shadow of doubt, that huge moneyed institution is acting on a deliberate and settled design to make one last and desperate effort to

perpetuate its existence by again shaking the foundations of credit, and spreading a financial panic through the land. They are fatally mistaken who imagine that the Monster has received its death-blow; it but recoiled for a moment paralysed from the stroke, and is now spreading itself out for a more desperate struggle.

Examine, we beseech you, readers, the present condition of that hateful money power, as exhibited in the statement we subjoin. In the last four months the Bank has extended its loans MORE THAN TWELVE MILLIONS OF DOLLARS! What a warning this single fact speaks! That institution, which, eight months ago, enormously curtailed its business to the ruin of thousands of prosperous citizens, and the dismay of the whole land, on the pretext that it was compelled to prepare for the final dissolution of its charter, now, when there are no extraordinary occasions for money, swells itself out, of its own voluntary act, to a greater degree of distension than it ever did before. The Branch Bank in this city never at any period of its existence had as much money loaned out as at this moment. Its loans now exceed those of the mother bank in Philadelphia, which was never the case before. Every indication shows, not only that a pecuniary pressure and panic is in preparation, but that this city is to be the chief scene and centre of operations. Another desperate effort will be made to break down our local institutions, and spread dismay and financial devastation through the state. And yet the local banks are extending themselves as confidentially if this slumbering volcano were not ready to explode beneath them, and scatter their foundations to the winds.

It requires no extraordinary perspicacity to perceive that another panic, and more dreadful than the first, is in preparation. The approach of the next session of Congress is the season chosen for carrying this design in-

to execution. The forcing a recharter is the main object in view, and the secondary to defeat the democracy in the election of President. We beg men capable of reflection to ponder on this subject. We beg those having influence to use their efforts to avert the evil. The local banks, unwittingly, are lending themselves to the designs of the great money power. They are discounting with a freedom almost unparalleled. There never was before such a constant and copious flood of small country bank notes pouring into this city as at the present moment. Shall nothing be done to avert this evil—to check and roll back this tide of ruin?

Earnestly did we hope that the Legislature would do what a regard to the public wishes, and a regard to the public interests without respect to their wishes, imperatively required in relation to the small note currency. If all notes under five dollars had been prohibited at once (and the currency was never better able to sustain such a measure) the calamitous state of things which we foresee might at least be obviated in a degree. One important part of the materials of panic would have been deficient. These were the views which governed us in the Letter which we addressed to Governor Marcy through our paper of the 24th of December last. For those views we have been bitterly reviled. They who reproached us for them we live to see how true were our predictions.

Come what may, it is a satisfaction to us to know that it at least cannot be said that our warning voice was not timely raised. If the statement which we subjoin do not rouse the people, they would slumber in apathetic indifference to the future, though one should rise from the dead to put them on their guard. Have the fearful lessons of experience taught them by the events of last winter been already forgotten? Here is something then to freshen their recollections:



ABSTRACT OF THE  
REPORT OF THE UNITED STATES BANK

*For the first of March, 1835.*

Loans on Personal Security . . . . .	\$31,152,368.22
do. on Bank Stock . . . . .	862,566.12
Other Security . . . . .	3,935,370.13
	<hr/>
	\$35,956,304.47
Domestic Bills of Exchange . . . . .	21,864,100.18
	<hr/>
	\$57,814,404.65
In London and Paris . . . . .	\$2,754,244.65
Specie . . . . .	16,567,893.36
Redemption of Public Debt . . . . .	699,999.89
Treasury United States . . . . .	690,704.37
Public Offices . . . . .	1,192,723.02
Individual Depositors . . . . .	8,903,807.35
Circulation . . . . .	19,519,777.90
Due from other Banks . . . . .	2,261,477.10
Due to . . . do . . . . .	5,011,634.24
Notes of States Banks . . . . .	2,173,925.41
<i>Loans at New York Branch.</i>	
On Personal Security . . . . .	\$5,505,365.05
On Bank Stock . . . . .	134,950.00
On other Security . . . . .	483,574.07
Domestic Exchange . . . . .	2,328,906.83
	<hr/>
	\$8,452,797.95
At Boston . . . . .	2,774,318.75
At Philadelphia . . . . .	8,067,899.79
At Baltimore . . . . .	1,634,155.80

## THE AUCTION MONOPOLY.

[*From the Evening Post, March, 13, 1835.*]

THE American of last evening does us the honor to address its leading article particularly to this journal; and we lay aside other matters of pressing importance to extend to it the courtesy of an immediate reply. With regard to the law restraining the right to sell by auction, we have no hesitation to state, in the most explicit language, that we consider it unwise, unjust, at variance with the fundamental principles of our government, and constituting a monopoly, not merely in the popular, but in the strict legal sense of that term. Our "incessant assault upon monopolies," the American may have noticed, has been aimed rather against general principles than particular institutions. When we have adverted to particular institutions, it has been more with the view to illustrate the operation of general principles, than to give a particular direction to public sentiment. The restraining law in regard to auctions we consider quite as unsound as the restraining law in regard to banking; though the effect of restrictions on banking are more deeply and extensively pernicious than those on auctions. We earnestly desire the repeal of both, but with this difference: the first we would repeal immediately, while the latter we would desire to see maintained, until certain preliminary measures should have guarded the public against those evils which would result from throwing banking open to the whole community in the present state of our currency.

This answer we trust the American will find sufficiently explicit, so far as the auction law is concerned. But we will go a step further, and advert to the tax which the state imposes on auction sales. We look upon this

tax as unequal, unjust, and oppressive, and are not without strong doubts that it is a positive, as it most assuredly is a virtual, violation of the Constitution of the United States. If we have not commented on this subject before, it has not been because we had not reflected maturely on it, and deliberately formed those opinions which we now express; but because we were unwilling to waive the discussion of general principles, for the sake of directing our energies against a single and not the most important branch of the subject of monopolies. We consider it a nobler and more useful object to strive to do away those false notions on which the whole system of restrictions and exclusive privileges rest, than to attack particular abuses in detail. We have striven to lay the axe to the root of the tree, not to cut off its branches one by one. If the trunk perishes, the boughs must needs wither.

With regard to the complaints which the American prefers in behalf of those individual auctioneers whose commissions have not been renewed, we are likewise free to state that if, as that journal avers, they have been refused a renewal of their commissions for no other reason than "because they are not for Martin Van Buren as President of the United States," Governor Marcy has acted towards them in a most proscriptive, narrow, and contemptible spirit, and his conduct deserves the scorn of all honourable men. But as we have abundant reason to believe that Governor Marcy is controlled by no such spirit, we must be excused from yielding entire credit to the assertion of the American, while it remains wholly unsupported by proof, particularly as it is wholly at war with some facts which are within our own positive knowledge. But it is not only on the score of those to whom commissions have been denied that the American finds grounds of complaint; those on whom they have been conferred afford equal ground of censure.

Again we say, if the statement made by that journal is correct, and these new auctioneers are indeed "wretched political retainers and hacks—men without credit, and unworthy of it," Governor Marcy, by appointing them, has entitled himself to severer reprehension than the American expresses. But we must join issue on the fact. It is again within our knowledge that the American is incorrect. With some of the auctioneers newly appointed we have a personal acquaintance, and others we know well through the representations of men in whom we have the fullest confidence; and we must take leave to say, that the American is misinformed as to their characters, and does those men cruel injustice. We assert with the utmost positiveness that in every moral and intellectual quality they are, *to say the least*, quite equal to those whose places they have been appointed to fill; that they are as honest, respectable and capable, and we do not doubt will discharge the duties of auctioneers quite as much to the satisfaction of the public and the advantage of the state.

The American, however, in bewailing the fate of the superceded auctioneers, and pouring its scorn on the heads of their successors, quite loses sight of the admirable anti-monopoly principles with which it commenced its article. That journal should recollect that it censured the auction law as "a universal abridgement of a natural right"—"a monopoly injurious and unjust;" and spoke of those appointed under it as "a privileged class created at once." To limit their tenure then, and subject them to the operation of that principle of equal rights which requires rotation in office, is certainly diminishing the odiousness of the monopoly. And if we must have privileged classes, we ought to thank Governor Marcy for not recognizing their pretensions to be privileged for life; but by requiring them to return, after

a certain term, to the level of the mass of the people, reduce the evil of aristocratic distinctions as near to the simplicity of the republican system as possible. We agree with the American that the auction law creates an odious monopoly; and the American will surely agree with us that to give "a favoured few" a perpetuity of the "privileged and valuable offices" created by that law would be to render the monopoly more exclusive and unquestionable, and add a still darker hue to its character.

There is another point of view in which the American must permit us to express our satisfaction at the course pursued by Governor Marcy; since we esteem ourselves indebted to it for the valuable assistance of that journal against monopolies. If the sympathies of the American had not been excited by the non-renewal of the "valuable offices" of certain of its friends of the privileged class, and its disgust provoked by those offices being filled with men of a different political stamp, it is impossible to say how long a time might have elapsed before that paper would have discovered that the auction law is a monopoly and the auctioneers a privileged order.

We might adduce other arguments in support of the course Governor Marcy has pursued; but unwilling to give our space to supererogative disquisitions, we shall take the liberty of referring the American to its own forcible approval of the course of the present Whig Common Council, in dismissing the democrats whom, on their being elected, they found incumbents of the various minor municipal offices.

## FREE TRADE POST OFFICE.

[*From the Evening Post, March 23, 1835.*]

THE party newspapers, both for and against the administration, contain, every now and then, statements exposing individual instances of gross abuse of the franking privilege. There can be no doubt that the franking privilege is a prolific source of many of those evils in the Post-office department which are complained of on all hands, and that a reformation of the laws on this subject is very much needed.

It is but a few days since we had occasion to mention a circumstance calculated to show in a strong light the grievous burdens which are imposed on the mails by those having the power to send their communications free of postage. This was the transmission, from Washington to Connecticut, by a single individual, and in the course of three days, of franked packages, weighing in all nearly two hundred pounds! These packages were said to be made up of the majority report of the Post-office committee of the United States Senate, exposing the alleged corruptions of the Post-office Department, and were doubtless sent into Connecticut at this particular time, and in such extraordinary numbers, for the purpose of being used for political effect, to influence the result of the approaching election in that state.

Though this particular instance exhibits, perhaps, a somewhat unusual excess in the use of the franking privilege, it is a fact perfectly notorious that similar impositions on the public mails are daily practised, and probably as much by the members of one party as of the other. Post masters, as well as members of Congress, exercise a most unjustifiable latitude of construction in the use of their franking privilege. Not only communications on

the business of their office, and in relation to their own private affairs, are sent free from one extremity of the country to another, but in very many cases they seem to act as the general agents of their neighbourhood, and employ their franking privilege, as charity does its mantle, to cover a multitude of sins. Many particular agencies seem to be done almost entirely through the country post-masters at the expense of the Government. Nothing is more common, for example, than their gratuitous agency between the subscribers of a newspaper and its publishers. We believe we speak within bounds when we assert that full one-half of the country subscribers to the Evening Post are received through the franked letters of village post-masters. They forward to us both the names of subscribers and the payment for the paper. These facts abundantly show that a reform of the franking system is absolutely needed.

But at the hazard of giving a new occasion for the charge of ultraism against this journal, we shall take the liberty to express an opinion, which we have long entertained, that the source of the evils in our Post-office system lies far too deep to be reached by any regulation or abridgement of the franking privilege, or even by its total abolition. It lies too deep, in our opinion, also, to be reached by any possible organization of the Post-office Department which it is in the power of the General Government to establish. There are five words in the Constitution of the United States which we look upon as the grand primary source of all the evils of which the people have so much just cause to complain in relation to that particular department of the Government. We allude to the clause which gives to Congress the power "*to establish post-offices and post-roads.*"

These words, in our view of the subject, ought never to have formed a part of the Constitution. They confer

a power on the General Government which is liable, and almost inevitably subject, to the grossest political abuse. The abuse is one which will necessarily increase, too, from year to year, as population increases in numbers and spreads over a wider surface. The Post-office, controlled and directed by the General Government, will always be conducted with a vast deal of unnecessary expense, and, what is a consideration of far more serious importance, will always be used, to a greater or less extent, as *a political machine*.

It is not probable that the history of this Union, should it stretch out for ages, will ever exhibit to the admiration of mankind an administration under the guidance of a more faithful, energetic, intrepid and patriotic spirit, than that which happily now rules the executive councils of the nation. Yet even under the administration of a man whose integrity no arts can corrupt, whose firmness no difficulties can appal, and whose vigilance no toils can exhaust—even under the administration of such a man, what a sickening scene does the mismanagement of the Post-office not present! Remove Mr. Barry and appoint another in his place, and you will not correct, and most likely you will not even mitigate the evil. Abolish the franking privilege, and the essential defects of the system would still remain. Re-organize the whole department, and introduce all the guards and checks which legislative ingenuity can devise, and still you will not wholly remove the imperfection. The Post-office will still be a government machine, cumbrous, unwieldy, and liable to the worst sorts of abuses.

The Post-office is established by the Government for the purpose of facilitating intercourse by letter between distant places. But personal intercourse between distant places is as necessary as epistolary, though not, perhaps, to the same degree. Why then should not the Govern-



ment take upon itself the support and regulation of facilities for carrying passengers as well as letters from place to place? The transmission of packages of merchandise from one part of the country to another is no less necessary, than intercourse by letter or person. Why should not Government go a step further, and institute transportation lines for the conveyance of our goods? But we shall be answered, that these objects may safely be left to the laws of trade, and that supply will keep pace with demand in these matters as in other commercial and social wants of man. Might not the laws of trade, and the power of demand to produce supply through the activity of private enterprise, be safely trusted to, also, for the carriage of letters from place to place?

If the mail establishment, as a branch of the United States Government, should be abolished this hour, how long would it be before private enterprise would institute means to carry our letters and newspapers from city to city, with as much regularity as they are now carried, and far greater speed and economy? But the objection may be raised that inland places and thinly settled portions of the country would suffer by such an arrangement. There is no place on the map of the United States which would not soon be supplied with mail facilities by paying what they were worth, and if it gets them for less now, it is only because the deficiency is levied from the inhabitants of some other place, which is contrary to the plainest principles of justice:

There are very many considerations which might be urged in favour of a *free trade view of this subject*. The curse of office hunting, which is an incident of our form of Government, and is exerting every year, more and more, a demoralizing influence on the people, would undergo a check and rebatement by the suggested change. But would you withdraw—some one may ask—the sti-

mulus which the present post-office system furnishes to emigration, by extending mail routes through the wilderness, and thus presenting inducements for population to gather together at points which would otherwise remain unimproved and uninhabited for years? To this we answer, unequivocally, yes. We would withdraw all Government *stimulants*; and let no man suppose that the progress of improvement would be retarded by such a withdrawal. The country would grow from year to year, notwithstanding, as rapidly and more healthily than now. It would only be changing the hot-bed system to the system of nature and reason. It would be discontinuing the force-pump method, by which we now seek to make water flow up hill, and leaving it to flow in its own natural channels. It would be removing the high-pressure application of Government facilities from enterprise and capital, and permitting them to expand themselves in their own proper field. The boundaries of population would still continually enlarge, circle beyond circle, like spreading rings upon the water; but they would not be forced to enlarge this way and that way, shooting out into strange and unnatural irregularities, as it might please land speculators, through the agency of members of Congress, to extend mail facilities into regions which perhaps God and nature meant should remain uninhabited for ages to come.

There are various other points of view in which the subject deserves to be considered. But we must reserve these for another occasion.

## STOCK GAMBLING.

[*From the Evening Post, March 25, 1835.*]

IN the bill now before the legislature of this state to regulate the sales of stocks and exchange, we behold another beautiful illustration of the benefits which the community derive from our wretched system of special and partial legislation. The professed object of this bill is to prevent stock-gambling ; and stock-gambling, according to our humble opinion, is a species of speculation which our law-givers, by the whole course of their legislation for years past, have done all in their power to foster and promote. If they desire now, really and sincerely, to do away with the evils of this desperate and immoral kind of enterprise, which daily displays itself to a frightful extent in Wall-street, let them adopt a more effectual method than that proposed by the bill under their consideration. Let them address their efforts to correct the cause of the evil, and the effect will be sure to be removed. Let them apply the axe to the root of the tree, and the branches will needs wither, when the source from which they derive their nourishment is destroyed.

The whole course of our legislation, in regard to financial matters, has had a direct tendency to excite a feverish and baneful thirst of gain—gain not by the regular and legitimate operations of trade, but by sudden and hazardous means. Every body has been converted into a stock speculator by our laws. Every body is seeking to obtain a charter of incorporation for some purpose or other, in order that he may take his place among the bulls and bears of the stock-market, and play his hand in the desperate game of Wall-street brag. What is the true nature of the spectacle which is presented to the contemplation of sober-minded men, every time any new

company of scrip gamblers is created? Do we not see persons not worth a hundred dollars in the world, running with all speed to put in their claims for a division of the stock—persons who are not able to raise even the instalment on the amount of stock which they ask, and who, in point of fact, are the mere agents of brokers and other speculators, selling the use of their names for a certain rate of premium per share on the division of stock which may be awarded to them?

A gaming spirit has infected the whole community. This spirit is the offspring—the deformed and bloated offspring—of our wretched undemocratic system of exclusive and partial legislation. To destroy the effect, and leave the cause untouched, would be as easy a task for our legislature, as to restrain an impetuous torrent while you yet leave wide the flood-gates which presented the only barrier to its course. The legislature might pass a law commanding the stream to keep within certain limits; but we doubt if its waves would recede, notwithstanding the terrors of the law—

“They rolled not back when Canute gave command.”

It is time the legislature made the discovery that there are some things which cannot be done by law. They cannot prevent the thunder from following the lightning's flash, however carefully they may word their statute, or whatever penalty they may affix to its violation. They cannot change the whole nature of man by any enactment. We doubt very much whether even the famous Blue Laws wholly deterred men from kissing their wives on occasions, particularly in the first part of their matrimonial connexion; nor do we believe they prevented beer from working on Sundays during the season of fermentation. As easy would it be, however, to effect such objects by law, as to repress the yearnings of cupi-

dity and avarice, or stay the adventurous spirit of wild speculation which has been excited, by the penalties of a bill to regulate the sales of stock and exchange. The whole scope and tendency of all the rest of our legislation is to inflame the feverish thirst of gain, which afflicts the community ; and how vain, how worse than vain, while our law-makers hold up the lure in every possible form of attraction before the public, to bid them, shut their eyes, and not attempt to grasp it !

As to the particular project before the legislature, if we understand its provisions, it is not only inadequate to the end proposed, but unjust in its bearing, and impolitic on various grounds. It proposes to destroy the use of credit in the transactions of the stock-exchange, which is much such a cure for the evil it aims to abolish as amputation of the leg would be for a gouty toe. The gout might attack the other foot, or the stomach, notwithstanding ; nor would its victim be more able to resist its influences with a frame weakened by the barbarous and uncalled for mutilation he had suffered. There is no earthly reason why credit should not be used in the purchase and sale of stocks, as well as in any other species of traffic. There is no kind of business intercourse which may not be made the means of gambling, and were it even within the competency of the legislature to check the public propensity to traffic on speculative contingencies, so far as one particular species of business is concerned, the ever active disposition would immediately indulge itself in some other form of hazardous and unreal enterprise. For the real *bona fide* transactions in stock and exchange, the employment of credit is as intrinsically proper, as the employment of credit in foreign commerce, in the purchase of real estate, or in any of the various modes and objects of human dealing. The legislature might as well pass a law forbidding the citi-

zen to deal or credit with his tailor, hatter, or shoemaker, to run up a score with his milkmen or baker, or postpone the payment for his newspaper, as to forbid a man to employ his legitimate credit in the purchase and sale of stocks.

The mere business of dealing in stocks is as respectable and useful as most others : the crime of gambling in stocks is the inevitable result of the wild and speculative spirit which springs from unsalutary legislation. When we look into the statute books, and see that more than two-thirds of all the laws passed in our state are for the creation of specially incorporated joint-stock companies ; when we learn that two-thirds of these joint-stock companies were created originally, not with strict reference to their professed ultimate object, but for purposes of intermediary speculation : we must perceive that the evil to be remedied is in the legislature, not in the community ; that the fountain is turbid at its head, and that it will be vain and foolish to attempt to purify it by straining the waters of a distant branch through a clumsy, filtering contrivance of the laws.

There is another view of this subject which it is important to take. By abolishing the use of credit in stock operations, you would not abolish stock-gambling, but only confine it to the more wealthy operators, and put additional facilities of fortune into the hands already favoured overmuch. You make a concession to the spirit of aristocracy. You lay another tribute at the feet of riches. You join your voice in its exaltation. You exclude from the magic circle the poor man whose capital consisted in his skill, industry, and character for sagacity and integrity, and you give it to the millionaire to lord it there alone, as if his gold were better than the poor man's blood.

That we are opposed to stock-gambling and gambling,

in all its forms, we need not say. But we are equally opposed to those false notions of Government which so extensively prevail in this country, and which seem to consider that every thing is to be done by law, and nothing by common sense and the inevitable operation of the laws of trade. For gambling, public opinion is the great and only salutary corrective. If it cannot be suppressed by the force of the moral sense of the community, it cannot be suppressed by statutes and edicts, no matter how comprehensive their terms, or how heavy their penalties. We have our laws against gambling now, yet establishments fitly denominated *kells* are notoriously conducted in different parts of the city, and there are various neighbourhoods where the dice-box and the roulette wheel rattle and clatter all night long. We have our laws against lotteries, too, yet what do they avail? The history of a recent instance of a man convicted of trafficking in the forbidden pursuit must convince any mind that those laws are a little more than a dead letter. And such would be the law to suppress stock operations on time. It would not do away with either the proper or improper part of the business; but it would diminish the respectability of the honest and prudent dealer, and give a more desperate character to the reckless adventurer.

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### REGISTRATION OF VOTERS.

[*From the Evening Post, April 3, 1835.*]

THE Veto of the Mayor of this city on the proceedings of the Common Council, relative to the proposed law for the registering of voters, was confined, we understand, to the constitutional objection, and did not object to the measure on the ground that it was not competent for the municipal legislature to take any steps to procure

a statute at all changing or modifying the basis of the right of suffrage, as fixed by the State Convention. We presume Mr. Lawrence restricted himself to the constitutional argument, and pretermitted the other ground of objection, because the first afforded abundant justification of the course he pursued in declining his signature. Had the constitution, however, presented no impediment to the passing of such a law as the Common Council proposed, it might still be a matter of grave consideration how far our city authorities could, consistently with their legitimate functions under the City Charter, take part in procuring an important restriction on the right of suffrage. As the Mayor, however, has not touched on this topic in his late message returning to the Common Council their resolution and other proceedings in relation to the registry law, we shall confine our attention, in the following paragraphs, to a consideration of the constitutional question, whether the legislature has or has not the power to pass such a law.

In the Constitution of this state, as adopted by the Convention in 1821, the first section of the second article established numerous qualifications for voters. The right of suffrage, by that section, was extended to every male citizen of the age of twenty-one, who should have been an inhabitant of the state for twelve months, and of the town or county where he offered his vote six months next preceding the election; *provided*, he had paid a tax, or was by law exempted from taxation, or had performed military duty in the state, or was by law exempted from military duty, or had laboured on the highway, or paid an equivalent for such labour, &c. &c. After stating these various qualifications, two other brief sections were added, one empowering the legislature to pass laws excluding from the right of suffrage persons convicted of infamous crimes; and the other to pass laws "for ascertaining



by proper proofs, the citizens who shall be entitled to the right of suffrage *hereby established.*"

It is under this last clause that the power is claimed for the legislature to pass a law requiring the inhabitants of this city to register their names, before they can be entitled to vote in an election. Yet that the power conferred by the clause is not so extensive, must be perfectly apparent to all who will take the pains to examine the proceedings of the Convention which framed the Constitution. It was intended to apply, probably, only to the qualifications as established by the first section of the second article, which, as they were numerous and somewhat complex, might require the enactment of a law to provide one uniform mode of proof. If this was so, that clause became a dead letter, when the qualifications were stricken out, as they were by an amendment of the Constitution in 1826.

Be this as it may, the Journal of the Convention contains abundant proof that the section, empowering the legislature to pass laws for ascertaining, by proper proof, the persons entitled to suffrage under the Constitution, never conferred the power of passing a law requiring a registry of voters. The section, as originally reported to the Convention, by "the Committee appointed to consider the right of suffrage, and the qualifications of persons to be elected," was in the following words :

"Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage, hereby established. *The legislature may provide by law, that a register of all citizens entitled to the right of suffrage, in every town and ward, shall be made at least twenty days before any election ; and may provide, that no person shall vote at any election, who shall not be registered as a citizen qualified to vote at such election.*"

On the eighth of October, nearly a month afterwards,

and when the subject had probably received the mature consideration of every member of the Convention, a motion was offered by Mr. Root, "*to strike out the third section, relating to a registry of votes.*" This motion underwent a long and animated discussion. It was finally modified, with the consent of the mover, by excepting the first sentence, and extending the motion to strike out only to the residue of the sentence—namely, to that part which, in the above quotation, we have printed in italics. But in permitting the first sentence to stand, it was clearly the intention of the Convention that the power to require that the names of all voters should be registered should not be conferred on the legislature. The motion, thus amended, passed by a vote of 60 to 48. If we adopt the generally received maxim, which was eloquently enforced by Mr. Madison on a memorable occasion, that "*in a controverted case, the meaning of the parties to the instrument, if to be collected by reasonable evidence, should be considered a proper guide,*" there can be no doubt or hesitation as to the propriety of the stand which the mayor has taken on this question of the registry of voters. But if we even turn our backs on the proceedings of the Convention, and insist on understanding the Constitution without the help of any lights not furnished by its own text, still, we think, an answerable argument might be maintained against the constitutionality of the power which the common council are desirous that the legislature should exercise. We may embrace some other opportunity to turn our attention to that branch of the discussion.

## WEIGHMASTER GENERAL.

[*From the Evening Post, April 10, 1835.*]

THE report of the proceedings of the Legislature on Wednesday, which is copied into our paper of to-day, shows to our readers that there was a decided majority in the Assembly in favour of the bill providing for the appointment of a Weighmaster General for this city, with power to name his own deputies. This measure was passed by a strict party vote ; and for the sake of creating another office to be supported out of the means of this overburdened community, those members of the legislature who were elected by the democracy, and call themselves democrats, have concurred in fastening another shackle on the limbs of trade.

There is probably not one man in our legislature so totally destitute of all knowledge of that magnificent science which is revolutionizing the world, as not to be aware that the bill now before that body to regulate the weighing of merchandise, is an indirect tax on the people, is a violation of the principle of equal rights, is another link in that chain which folly and cunning have combined to fasten on the body politic, and by which the popular action is already so much restrained, that, notwithstanding we enjoy universal suffrage, our elections, for the most part, are rather a reflection of the wishes of the banks and of the office-holders, than of the free, unbiassed will of the people. The effect of the present bill, besides imposing an additional tax on the community, and placing harmful checks and limitations around trade, will be to institute a band of placemen in the city, who will doubtless endeavour to show themselves worthy of their hire by exerting their lungs in shouts and pæans in praise of those to whom they owe their situations.

To a certain extent exertions of this kind guide the course of public sentiment, and increase its force. Independent, then, of the politico-economical objections to legislative interference of the sort now under consideration, a more momentous objection exists in the fact that such measures are directly calculated to place government on a basis other than that of the spontaneous sentiments of the people, and draw a cordon of placemen around it, more powerful than the lictors and prætorian cohorts which hedged in the abuses and corruptions of the licentious rulers of Rome.

Earnestly did we hope that our present legislature, instead of rivetting new fetters on the people, would have broken and cast away a portion, at least, of those disgraceful bonds with which the craft and ignorance of their predecessors had loaded us. But the fact is not to be disguised that our legislature, though called democratic, and elected by democrats, are in reality anything but true friends to the equal rights of the people. They represent banks, insurance companies, railroads, manufacturing establishments, high-salaried officers, inspectors of raw-hides, sole-leather, beef, pork, tobacco, flour, rum, wood, coal, and, in short, almost every necessary and comfort of life. To state this more briefly, they represent monopolies and office-holders; and no wonder, therefore, that the whole course of their legislation is at the expense and to the detriment of the people at large, as they on all hands seem to be considered lawful prey.

## WEIGHMASTER GENERAL.

[From the *Evening Post*, April 16, 1835.]

It will be seen by the report of the proceedings of the legislature yesterday afternoon, that Governor Marcy has returned to the Senate the bill providing for the appointment of a Weighmaster General for this city, together with his objections; that the bill was subsequently reconsidered and rejected, one person only dissenting, and a new bill for the same purpose as the former, but framed so as to avoid the objections stated by the Governor, was thereupon introduced by Mr. Macdonald. We hope, against hope, that there will be good sense enough in the legislature to defeat this new attempt to impose additional fetters on the body politic. We perceive with pleasure that Mr. Young, who has been absent for some days past in consequence of a domestic affliction, has resumed his seat in the Senate. We trust he may be induced to exert his powerful mind in exposing the true nature and utter folly of the proposed law.

The real motive of those who are pushing this measure is as well understood in this city as in Albany. It is perfectly well known here that the object is to create an office for a young politician from this city, who, for several years past, has been an active partizan, and who, during the past winter, has strenuously represented that it is time he had his reward. We have not the slightest objection that the individual alluded to should be provided with an office; for we believe he is quite as honest and capable as nine-tenths of the office seekers, and have no doubt that his exertions have been of service to the democratic cause. But we have objection that an office should be especially created for his benefit, one for which there is not the slightest public need, which would operate as an indirect

tax on the community, and would present another and strong impediment in the way of that total emancipation of trade from the restrictions and impositions which have been placed upon it by crafty and foolish legislation.

The weighing of merchandise is a matter with which legislation has nothing to do: the laws of trade would arrange that business much more to the satisfaction of all parties concerned than the laws of the state can ever do. When the Government has supplied its citizens with a measure of value, of weight, of length, and of quantity, it has done all in the way of measuring which properly belongs to Government. All your inspectors, your gaugers, and your weighers, after that, with their whole host of deputies and subalterns, are but adscititious contrivances of political cunning, to provide means for rewarding those who assisted in its elevation, or to establish a phalanx to guard it in the height it has attained.

It was our hope that our present legislature—chosen under so distinct an expression of the public sentiment against all monopolies and all infringements of the principle of Equal Rights—would exert themselves to do away the restrictions on trade and the thousand subtle contrivances for indirectly extorting taxes from the people to support useless officers; or at all events that they would not add to the number of those impositions. If we go on for many years to come, strengthening, and extending the artificial and unequal system we have for years past been building up, we shall at length find, perhaps too late, that we have erected around us an enormous, unseemly, and overshadowing structure, from which the privileged orders will have the encircled community wholly at their control, and which we cannot hope to demolish without bringing the whole fabric down with ruin on our heads.

## DIRECT TAXATION.

[From the *Evening Post* of April 22, 1834.]

No reflecting mind can consider the mode of raising revenue in this country for the support of the Government, in connexion with the great principle on which that Government is founded, without being struck with the anomaly it presents. The fundamental principle of our political institutions is that the great body of the people are honest and intelligent, and fully capable of self-government. Yet so little confidence is really felt in their virtue and intelligence, that we dare not put them to the test of asking them, openly and boldly, to contribute, each according to his means, to defray the necessary expenses of the Government; but resort, instead, to every species of indirection and arbitrary restriction on trade. This is true, not only of the General Government, but of every State Government, and every municipal corporation. The General Government raises its revenue by a tax on foreign commerce, giving rise to the necessity of a fleet of revenue vessels, and an army of revenue officers. The State Governments raise their funds by a tax on auction sales, bonuses on banks, tolls on highways, licenses, excise, &c. The municipal corporations descend a step in this prodigious scale of legislative swindling, and derive their resources from impositions on grocers, from steamboat and stage-coach licenses, and from a tax on beef, wood, coal, and nearly every prime necessary of life. This whole complicated system is invented and persevered in for the purpose of deriving the expenses of Government from a people whose virtue and intelligence constitute the avowed basis of our institutions! What an absurdity does not a mere statement of the fact present?

Has any citizen, rich or poor, the least idea of the amount which he annually pays for the support of the government? The thing is impossible. No arithmetician, not even Babbit with his calculating machine, could compute the sum. He pays a tax on every article of clothing he wears, on every morsel of food he eats, on the fuel that warms him in winter, on the light which cheers his home in the evening, on the implements of his industry, on the amusements which recreate his leisure. There is scarcely an article produced by human labour or ingenuity which does not bear a tax for the support of one of the three governments under which every individual lives.

We have heretofore expressed the hope, and most cordially do we repeat it, that the day will yet come when we shall see the open and honest system of direct taxation resorted to. It is the only democratic system. It is the only method of taxation by which the people can know how much their government costs them. It is the only method which does not give the lie to the great principle on which we profess to have established all our political institutions. It is the only method, moreover, in consonance with the doctrines of that magnificent science, which, the twin-sister, as it were, of democracy, is destined to make this country the pride and wonder of the earth.

There are many evils which almost necessarily flow from our complicated system of indirect taxation. In the first place, taxes fall on the people very unequally. In the second place, it gives rise to the creation of a host of useless officers, and there is no circumstance which exercises such a vitiating and demoralizing influence on politics, as the converting of elections into a strife of opposite parties for place instead of principles. Another bad effect of the system is that it strengthens the govern-



ment at the expense of the rights of the people, induces it to extend its powers to objects which were not contemplated in its original institution, and renders it every year less and less subject to the popular will. The tendency of the system is to build up and foster monopolies of various kinds, and to impose all sorts of restrictions on those pursuits which should be left wholly to the control of the laws of trade. We are well satisfied, and have long been so, that the only way to preserve economy in government, to limit it to its legitimate purposes, and to keep aroused the necessary degree of vigilance on the part of the people, is by having that government dependent for its subsistence on a direct tax on property.

If the fundamental principle of democracy is not a cheat and a mockery, a mere phrase of flattery, invented to gull the people—if it is really true that popular intelligence and virtue are the true source of all political power and the true basis of Government—if these positions are admitted, we can conceive no possible objection to a system of direct taxation which at all counterbalances any of the many important and grave considerations that may be urged in its favour.

For our own part, we profess ourselves to be democrats in the fullest and largest sense of the word. We are for free trade and equal rights. We are for a strictly popular Government. We have none of those fears, which some of our writers, copying the slang of the English aristocrats, profess to entertain of an "unbalanced democracy." We believe when government in this country shall be a true reflection of public sentiment; when its duties shall be strictly confined to its only legitimate ends, the equal protection of the whole community in life, person, and property; when all restrictions on trade shall be abolished, and when the funds necessary for the support of the government and the defence of the country

are derived directly from taxation on property—we believe when these objects are brought about, we shall then present to the admiration of the world a nation founded as the hills, free as the air, and prosperous as a fruitful soil, a genial climate, and industry, enterprise, temperance and intelligence can render us.

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### STATE PRISON MONOPOLY.

[*From the Evening Post, April 28, 1835.*]

THE legislature, it will be seen, have at last taken up, in good earnest, the state prison question. As this is a subject which both parties have tried their utmost to turn into a mere political gull-trap, it is not probable that any measure will be finally acted upon, before members have baited the trap with a deal of mawkish oratory, and, in so doing, expose, most thoroughly, their ignorance of the first principles of political economy.

This journal has never said much in relation to the state prison monopoly, as it is called, because a degree of importance had been given to the subject entirely disproportioned to its real merits, and demagogues had made it the theme of their vehement harangues, until an excitement was produced among the mechanic classes so strong and general, that it swallowed up almost every other question, and pervaded almost every vocation. We are as decidedly opposed to the *principle* of state prison labour as any person can be; yet we believe that the *practical evil* of the present system, on any branch of productive industry, is exceedingly trifling, and indeed almost below computation, while the result to society at large is decidedly beneficial. Nevertheless, as the fundamental principle of the system is, in our view, totally

erroneous, we have never hesitated to oppose it when we deemed that the occasion called on us to speak.

One of these occasions was furnished by the publication of the report of the State Prison Commissioners, which was a weak, inaccurate, shuffling document, and was the more calculated to provoke indignation, as one of its authors is well known to have ridden himself into office on the hobby of the state prison monopoly question. It seemed to us a barefaced piece of treachery for this person, after having won the suffrages of the mechanics by the incessant and superior loudness of his vociferation against the employment of convict labour in competition with honest industry, to turn round and immediately present to the legislature such a deceptive hocus-pocus report as that to which his name was subscribed.

The suggestions of the report made by the Commissioners have been embodied in the bill now before the Assembly. By this plan the prisoners are to be employed in branches of industry not yet introduced among our citizens, and among these the culture and manufacture of silk occupy a conspicuous place. We are surprised that sensible men in the legislature should not perceive that in principle, it is the same thing whether the convicts are employed in callings in which free citizens are already engaged, or are turned to others to which free citizens would naturally direct their attention in the course of a short time.

The question of the state prison monopoly, in our view, reduces itself to this : it is the exclusive employment, by Government, of a labour-saving machine, in competition with a certain portion of citizens who have no such advantage. Has Government a right to set up a labour-saving machine, and to enter into competition with any class of its citizens in any pursuit of industry? Government, it will be admitted, is instituted for the equal pro-

tection of all, in person, life, and property. These are its only legitimate objects. The confinement of criminals, so as to restrain them from perpetrating their outrages against society, is an object in which all are equally interested. The support of them in confinement is a contingent evil, and ought to be borne in the ratio of benefit conferred—that is, equally. But when the criminals are made to earn their own support by manufacturing a class of articles which a certain portion of citizens also manufacture for their livelihood, it is obvious that a fundamental principle of government is violated, since equal protection is no longer extended to all.

But the political economist may contend that the evil in this case is but temporary; that the supply will soon adjust itself to the demand; that a certain number of citizens, driven from their occupation by the introduction of convict competition, will only be obliged to turn themselves to other branches of industry; and that in a short time, the matter equalizing itself through all the callings of active life, a permanent benefit will accrue to society, in the aggregate, by reason of the increased production and diminished price of all the articles created by human labour.

If we admit this statement to be true, is it not at best an argument in favour of the state prison system on the ground that *all is well that ends well?* or that *it is right to do evil in the first instance, that good may follow?* These are principles which ought never to be countenanced in our system of political ethics. The cardinal object of Government is the equal protection of all citizens. The moment the prisoner is set to work, and the products of his labour sold, some free citizen is unequally and oppressively burdened. If this citizen is induced to forsake his now overstocked calling, and engage in some other, the competition in this new branch will operate injuriously

to those already engaged in it ; and this will continue to be the case, though in a gradually diminishing ratio, through all the various pursuits of active industry, until the displaced particles of society, so to speak, diffuse themselves evenly over the entire surface.

The aggregate of products manufactured by convict labour in the United States bears so small a proportion to the sum of the products of free labour, that the practical evil of state prison competition on any mechanic class is, as we have already stated, exceedingly and almost incalculably light. The final result of all labour-saving machinery (and the operation of our penitentiary system is precisely analogous with that of such a machine) is beneficial to society. An individual citizen has a perfect right to introduce labour-saving machinery, and however hard may be the effect temporarily on any number of citizens, the good of the greatest number is immediately promoted, and eventually the good of all. But when a state government sets up such a labour-saving machine, it oppresses temporarily a class of citizens, for the immediate benefit of the rest, and though the whole community will be eventually benefitted, the state has obviously, to produce this result, violated the fundamental principle of equal rights.

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### STATE PRISON LABOUR.

[From the *Evening Post* of April 29, 1835.]

THE Albany Argus gives the following outline of the bill on the subject of state prison labour which is now under discussion in the legislature of this state :

“ The bill reported by Mr. Wilkinson from the majority provides that the state prisons at Auburn and Mount

Pleasant shall each be under the direction of five inspectors, three to be residents of those places respectively, who shall have the appointment of assistant keepers and all other powers now vested in them, except as otherwise provided by the bill. After prescribing the duties, compensation, &c., of the inspectors, chaplains, assistant keepers, &c., the bill provides that no mechanical trade shall hereafter be taught to convicts in the state prisons, except for the making of those articles, the chief supply of which for the consumption of the country is imported from foreign countries—that the inspectors shall have power to employ artizans from abroad for the purpose of teaching new branches of business in the prisons which are not pursued in the state—that no contract for the services of the convicts shall be made for a longer period than six months, without the sanction of the inspectors at a regular meeting, that two months' notice of the time and place of letting such contracts shall be published in the state paper and such other papers (not exceeding four) as the inspectors shall direct—the notice to specify the branch of business in which the convicts are to be employed and their number applied for, the length of time for which the contracts are to be made (which are not to exceed five years); such convicts only to be employed in such branches of business which chiefly supply domestic consumption, as had learned that particular trade before coming to the prison. Nothing in the act is to prevent the teaching of mechanical business in the prisons as far as may be necessary to fulfilling existing contracts; but it is made the duty of the inspectors and agents to avail themselves, as fast as the interest of the prisons will permit, of every opportunity to change the present contracts, so as to make them conform to the principles of the act, and they are authorized to negotiate with the present contractors, for the abandonment of their contracts, at

such times and on such terms as they may deem proper. It is also made their duty to cause the manufacture of silk goods, from cocoons, to be introduced, as soon as it can be conveniently done, and for that purpose, to purchase as well cocoons raised in the country, as the raw material imported, and to extend such business as fast as in their opinion, it can with a prospect of ultimate profit. The inspectors and agents of Mount Pleasant Prison are also directed as soon as practicable to cause so much of the state farm at Sing Sing, as they may think proper, to be planted with and applied to the raising of the white mulberry tree, and other approved varieties, to be by them gratuitously distributed or sold at moderate prices, for the production of cocoons and the manufacture of silk. The agents of both prisons are also directed to procure a supply of the white mulberry seed, which shall be furnished gratuitously to the keepers and superintendents of the several county poor houses, who shall apply for it, with the view of raising mulberry trees on the several poor house farms."

No mechanical trades, according to this bill, are hereafter to be taught the prisoners in our state prisons, except for the making of such articles as are *chiefly* imported from other countries. The ground on which a change in our penitentiary system is asked is, that it is unjust and inconsistent with the principle of equal rights that the State Government, which is established for the equal protection of the whole people, should become the competitor of any portion of the people in their lawful callings. The Government being established for the equal protection of all, it is proper that the necessary expenses of that protection should be equally defrayed by all, in the proportion of their several means. When the expenses are defrayed from the profits of prison labour, the burden manifestly falls most heavily on those whom

that labour competes with in their lawful callings. This would be true, if the State Government came into the competition only on equal terms; since the excess of the supply over the demand would necessarily, according to the invariable operation of the laws of trade, occasion a diminution of price, and consequently of profit to the free citizen whose vocation was interfered with by this degrading rivalry. But it is true in a more striking manner when the State Government, entering into competition with any portion of its own citizens, employs facilities of which it enjoys the exclusive use. The state prison turned into a mechanical institute is, in effect, a labour-saving machine, for the labour costs nothing. All beyond the cost of raw materials is profit to the state. The state can therefore well afford to sell articles of prison manufacture at a price which would not supply the free mechanic with bread. A certain number of free citizens are thus necessarily driven from their callings, and obliged to find employment in others, or to depend on charity, public or private, for their support.

We have admitted that though this is a grievous temporary evil to a few persons, it operates as a benefit to the community at large, and finally to the very calling which was at first interfered with. But the argument is that this eventual good is obtained by the previous violation of a fundamental principle of democratic government—the great principle of Equal Rights. The extent of the evil, be it greater or less, does not change the aspect of the question. If the equal rights of one citizen are trampled on by our state prison system, there is ground to require a reformation of it: if the profits of any class of mechanics or tradesmen are diminished, though but in the proportion of a mill on the dollar, or the hundred dollars, they have a right to demand redress. Nay, we go further: it not merely a right, but a duty; for



if you once admit the principle, who can fortell for what evils and abuses the "fatal precedent" may not plead?

We are of the number of those who believe that the practical evils of our penitentiary system are very inconsiderable and restricted, and the practical benefits great and widely diffused. Yet we are opposed to that system; because it is founded on a violation of a fundamental principle of our Government. We do not perceive that the bill now before the legislature does away this objection. It lessens the practical evil, but does not vary the principle. If the prisoners are to be turned to the production of articles chiefly imported from foreign countries; yet as long as some portion of those articles is made here, certain mechanic classes, however small, would experience injurious competition from a Government which they have a right to look to for protection, not for opposition. The rights of a small class of mechanics are as dear to them as are those of the most numerous class to its members. But there is another class of persons besides mechanics, whose equal rights the proposed measure will invade. Those citizens whose capital and enterprise are engaged in foreign commerce, importers of the articles which the state prisons are hereafter to be set to work to manufacture, the retailers who deal with them, and all subsidiary callings, are to be deranged, to a greater or less degree, by the proposed bill. Here still, the erroneous principle, which is the only thing in the question worth contending about, is quite as manifest as ever.

There is one thing quite certain in regard to this matter: namely, that the bill now under discussion, cannot become a law without a majority of two-thirds of both houses should vote in its favour. *Governor Marcy will veto it.* On this point there is no room for doubt. We have before us a statement under his own hand tantamount

to such a declaration. In a letter addressed to Mr. Rudolph Snyder, Chairman of the Corresponding Committee of the Convention of Mechanics which met at Utica last autumn, Governor Marcy says, "That the labour of convicts in our state prisons, as now conducted, is injurious to several branches of mechanical business, is generally conceded, and the only diversity of opinion on the subject is as to the extent of the injury and the practicable means of removing it. *The evil being admitted, it is the imperative duty of the legislature to apply a corrective, and I shall exert my influence, in whatever situation I may be, in favour of all proper measures for the attainment of that end. That any class of citizens who yield obedience to the laws, and contribute to the support of government, should be injured by the means used for the punishment of malefactors, is manifestly unjust; a system of prison discipline which necessarily produces such a result is clearly wrong; and a government which sustains it, neglects one of its obvious duties, the duty of protecting the equal rights of all.*"

Those who are engaged in importing the articles which it is proposed that prison labour shall be employed in making hereafter, are a "class of citizens who yield obedience to the laws and contribute to support the government;" for the state to enter into competition with them in their business and undersell them, thus either forcing them to seek some other employment for their capital, or to be content with diminished profits, would obviously be "to injure them by the means used for the punishment of malefactors;" and as this is declared by Governor Marcy to be "manifestly unjust," it is plain that the bill must receive his veto. He is publicly pledged to this course, and Governor Marcy is not a man to violate a pledge or shrink from a duty.

## THE COURSE OF THE EVENING POST

[From the *Evening Post*, May 18, 1835.]

Saturday last was the semi-annual dividend day of this office. It is presumed that a majority of the subscribers of the *Evening Post* feel sufficient interest in its prosperity to justify our advertizing, for a single moment, and in the most general terms, to the private affairs of this office. It is with satisfaction, then, we have it in our power to state, that the business of our establishment, during the past six months, has been flourishing and profitable, and was never more thoroughly and soundly prosperous than at the present moment. The number of subscribers to our journal is larger than at any previous period; the amount received for advertizing is undiminished; and the total receipts of the establishment greater than they ever were before,

This result is exceedingly gratifying to us for considerations of a higher kind than those which merely relate to the success of our private business. It furnishes us with an evidence of the public sentiment in relation to those cardinal principles of democratic government which this journal, for a long time past, has laboured zealously to propagate and defend. That evidence is in our favour, and animates us to fresh exertions. We start afresh, then, from this resting-place on our editorial road, invigorated with renewed confidence of ultimately attaining the goal for which we strive, the reward for which we toil, the victory for which we struggle—the establishment of the great principle of Equal Rights as, in all things, the perpetual guide and invariable rule of legislation.

It is now about two years since the *Evening Post*—having at length seen successfully accomplished one of

the great objects for which it had long and perseveringly striven, namely, the principles of free-trade in respect of our foreign commerce—turned its attention to a kinder-ed subject, of equal magnitude, in our domestic policy, and began the struggle which it has ever since maintained in favour of the principles of economic science, as they relate to the internal and local legislation of the country. We had long seen with the deepest regret that the democracy, unmindful of the fundamental axiom of their political faith, had adopted a system of laws, the inevitable tendency of which would be to build up privileged classes and depress the great body of the community. We saw that trade, not left in the slightest respect to the salutary operation of its own laws, had been tied up and hampered in every limb and muscle by arbitrary and unjust statutes; that these restrictions furnished employment for an almost innumerable army of office-holders; and that the phalanx of placemen was yearly augmented by the multiplication of unequal and oppressive restrictions and prohibitions on the body politic. We could not help seeing, also, that this multitude of unnecessary public offices, to be disposed by the Government, was exercising a most vitiating influence on politics, and was constantly degrading, more and more, what should be a conflict of unbiassed opinion, into an angry warfare of heated and selfish partisans, struggling for place.

But besides the various and almost countless restrictions on trade, for the support of a useless army of public stipendiaries, we saw our State Governments vying with each other in dispensing to favoured knots of citizens trading privileges and immunities which were withheld from the great body of the community. And to such an extent was this partial legislation carried, that in some instances, a State Government, not content with giving to a particular set of men valuable exclusive privileges,

to endure for a long term of years, also pledged the property of the whole people, as the security for funds which it raised, to lend again, on easy terms, to the favoured few it had already elevated into a privileged order. These things seemed to us to be so palpable a violation of the plainest principles of equal justice, that we felt imperatively called upon to make them objects of attack.

Of all the privileges which the States were lavishing on sets of men, however, those seemed the most dangerous which conferred banking powers; authorized them to coin a worthless substitute for gold and silver; to circulate it as real money; and thus enter into competition with the General Government of the United States, in one of the highest and most important of its exclusive functions. There was no end to the evils and disorders which this daring violation of the fundamental principle of democratic doctrine was continually occasioning. It was placing the measure of value (the most important of all measures) in the hands of speculators, to be extended or contracted to answer their own selfish views or the suggestions of their folly. It was subjecting the community to continual fluctuations of prices, now raising every article to the extremest height of the scale, and now depressing it to the bottom. It was unsettling the foundations of private right, diversifying the time with seasons of preternatural prosperity and severe distress, shaking public faith, exciting a spirit of wild speculation, and demoralizing and vitiating the whole tone of popular sentiment and character. It was every day adding to the wealth and power of the few by extortions wrung from the hard hands of toil; and every day increasing the numbers and depressing the condition of the labouring poor.

This was the state of things to reform which, after the completion of the tariff compromise, seemed to us an ob-

ject that demanded our most strenuous efforts. We have consequently sought to draw public attention to the fact that the great principle on which our whole system of government is founded, the principle of Equal Rights, has been grossly departed from. We have sought to show them that all legislative restrictions on trade operate as unjust and unequal taxes on the people, place dangerous powers in the hands of the Government, diminish the efficiency of popular suffrage, and render it more difficult for popular sentiment to work salutary reforms. We have sought to illustrate the radical impropriety of all legislative grants of exclusive or partial privileges, and the peculiar impropriety and various evil consequences of exclusive banking privileges. We have striven to show that all the proper and legitimate ends of Government interference might easily be accomplished by general laws, of equal operation on all. In doing this, we necessarily aroused bitter and powerful hostility. We necessarily assailed the interests of the privileged orders, and endangered the schemes of those who were seeking privileges. We combated long rooted prejudices, and aroused selfish passions. In the midst of the clamour which our opinions provoked, and the misrepresentations with which they have been met, to find that our journal has not merely been sustained, but raised to a higher pitch of prosperity, is certainly a result calculated to afford us the liveliest pleasure, independent altogether of considerations of private gain. We look on it as a manifestation that the great body of the democracy are true to the fundamental principles of their political doctrine ; that they are opposed to all legislation which violates the equal rights of the community ; that they are enemies of those aristocratic institutions which bestow privileges on one portion of society that are withheld from the others,

and tend gradually but surely to change the whole structure of our system of Government.

Animated anew by this gratifying assurance that the people approve the general course of our journal, we shall pursue with ardor the line we have marked out, and trust the day is not distant when the doctrines we maintain will become the governing principles of our party.

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### CHARACTER OF ANDREW JACKSON

[*From the Evening Post, May 21, 1834.*]

THE epithets, Usurper and Tyrant, have been freely bestowed upon the President of the United States, by grave Senators, in the course of debate. If he is a usurper and a tyrant, it is right the people should be informed of it; though it may be questioned whether the angry use of these opprobrious terms in the Senate Chamber is the best method of communicating that information. These charges are of the most momentous import; and if they be true, it must be easy to cite the acts which justify them. The history of the eventful life of Andrew Jackson, from his boyhood upwards—from the time when, at fourteen years of age, he was found battling with the enemies of his country, to the present hour, which sees him engaged in a not less important struggle, and with an equally dangerous foe—is known to his countrymen. His course has not been run in secret. His deeds have not been done by stealth. His acts, his motives, his ends, are all known: which one is it that stamps him a usurper and tyrant?

He has filled many important offices: he has been Attorney General of the south-western Territory—a member of the Convention that framed the Constitution of

Tennessee—a Representative of that state in Congress, first in one house, and then in the other—a Judge on her supreme bench—a leader of the army of his country—and finally her Chief Magistrate, elected, and re-elected, by a most overwhelming majority of the free suffrages of his fellow citizens. In which one of all these situations have his acts proved him a usurper and a tyrant?

Was he a usurper and tyrant when he fought the battles of his country against the Indians on the south-western frontier—that dark and perilous struggle, when, in addition to the efforts of a ferocious and formidable foe, he had to contend with famine, sickness, mutiny, and every ill than can beset a discontented and undisciplined army, which he conducted notwithstanding, with an undaunted spirit, to a glorious result?

Was he a tyrant and usurper at Fort Strother, when, deserted by his famishing troops, he exclaimed, “If only two men will remain with me, I will never abandon this post!” Or afterwards, when his forces broke out into open mutiny, and moved off in a body towards their homes, “he seized a musket, and resting it on the neck of his horse, (for he was disabled by a wound from the use of his left arm) he threw himself in front of the mutinous column, and declared that he would shoot the first man who should venture to advance?”

Was he a tyrant and usurper at New Orleans, when his military achievements furnished the incidents of one of the brightest pages in our history? and where his honourable and courteous conduct is attested in warm terms by his foes?

Was he a tyrant and usurper when, dragged before a court, and fined for those very acts which had secured the safety of New Orleans, he bowed with proud submission to the decree, and interposed his own influence—the only influence that could have availed—to repress the in-



dignation of his countrymen, and induce them to respect, as he did, the decisions of a competent legal tribunal, however arbitrary and unjust?

Was he a tyrant and usurper in those acts of his administration which have resulted in such a successful and advantageous termination of the long pending negotiations between our Government and foreign powers? Or, on his being chosen Chief Magistrate of the nation, was it tyranny and usurpation to recommend that the constitution should be so altered as to make any President ineligible for more than one term, in order that there might be greater security that the measures of the executive would always be devised with single reference to the good of the People and his own permanent glory?

Was he a tyrant and usurper in recommending that an ample district of country in the far west should be given to the poor Indians who were discontented with their situation within the limits of Georgia? Was he a tyrant and usurper in the noble stand which he took in preservation of the Union against the mad assaults of a faction at the South?

Was his refusal to sanction unconstitutional schemes of internal improvement usurpation and tyranny? or his conciliatory recommendations with regard to the oppressive tariff? What single act of General Jackson's, in short, deserves so foul a name?

Was the removal of Mr. Duane usurpation? Surely not, for no one, at this time of day, will risk his reputation by asserting that the President has not unlimited constitutional power of removal. Was the removal of the deposits by Mr. Duane's successor usurpation? Surely not, for the power was expressly reserved to him in the charter of the United States Bank. Where then, again we ask, is the evidence of General Jackson's tyranny and usurpation? If he is a usurper, he is the strangest,

the most anomalous one that ever drew the breath of life. A usurper has hitherto been considered one who seizes that to which he has no right; but if the term is to be applied to General Jackson, it must undergo a wide change of meaning, since all his usurpations are committed within the limits of the Constitution. We defy any adversary of that noble and heroic patriot to cite a single act of his administration that violates, in the slightest degree, a single provision in the Constitution of his country. He is a usurper then of the power with which he was already clothed by the unbought suffrages of a nation of freemen—he seized what he already lawfully possessed—he is a tyrant, because he discharges those duties which the people imposed upon him when they raised him to the Chief Magistracy—he is a despot who shows his own indomitable will by scrupulously obeying the Constitution and the laws! Well would it have been for mankind if all tyrants and usurpers had confined themselves within similar limits!

But let us look for a moment at the character of those who lavish these hard epithets on General Jackson. Is the Senate of the United States entirely above the liability to have these charges retorted upon itself? Was it not a member of that body who declared that he never would consent to an adjournment till a national bank was established and the deposits restored? And is there not something that savours of tyranny and usurpation in this coercive threat, intended to control the action of a co-ordinate and independent department of the Government? Was it not that body that rejected the nomination of certain persons as directors to represent the government in the board of the United States Bank, because, in pursuance of what they deemed their duty, they had reported the mal-practices and corruptions of that institution to the Executive? And was there no tyranny

and usurpation in this? Again, did not the Senate of the United States, in defiance of the rights of the Chief Magistrate as secured by the Constitution, in violation of their own oaths to obey that instrument, and in manifest infringement of those inalienable rights which belong to every American citizen, condemn the President of the United States of high crimes and misdemeanors, without a trial, and without a hearing? And when that aged and venerable man, whose whole life has been spent in the service of his country; whose bosom is scarred with the wounds he has received in its defence; who stands alone of all his family, having seen his brothers shed their lives for that freedom he has done so much to preserve, and his wife sink into the grave the mark of vile political slanderers—when that aged and venerable man, thus unjustly sentenced, and stung to the quick that his conduct should be thus maligned, respectfully asked that his solemn protest against the decision of the Senate might be entered on their journal along with the condemnation, was he not refused—refused with added insult? And was this conduct not usurpation and tyranny?

Verily, a factious Senate, the majority of which is composed of desperate political leaders, united by no common tie but that of hate to the war-worn hero who presides at the helm of state—governed by no common motive but indomitable ambition—verily, such a body is a fit source for such aspersions on the character of the man who has filled the measure of his country's glory.

## DESPOTISM OF ANDREW JACKSON.

[From the *Evening Post*, May 22, 1834.]

HITHERTO despotism has assuredly been considered as the concentration of all power in one man, or in a few privileged persons, and its appropriate exercise the oppression of the great majority of the people. But the Presidential Bank candidates in the Senate of the United States, and the bribed tools of the Bank who preside over the Bank presses, have lately discovered, or rather invented, an entire new species of despotism. They have found out that pure republican despotism consists in administering the Constitution and laws with an express reference to, and entirely for, the benefit of the people at large.

If we examine the whole course of that extraordinary despot, the President of the United States, it will be found that the very essence of his usurpation consists in interpreting the Constitution, and administering the laws, for the benefit of the many instead of the few. This is the true character of his despotism, and for this is he denounced by those who wish to free the people from this original and extraordinary tyranny, by reversing the picture, and placing the rights and interest of the many at the mercy of the few. In order more clearly to exemplify the character of General Jackson's despotism, we will pass in brief review the prominent acts of his administration.

If we comprehend the nature and principles of a free government, it consists in the guaranty of EQUAL RIGHTS to all free citizens. We know of no other definition of liberty than this. Liberty is, in short, nothing more than the total absence of all MONOPOLIES of all kinds, whether of rank, wealth, or privilege. When Gen-

eral Jackson was elected by a large majority of the people of the United States to the first office in their gift, he found in successful operation a system calculated, if not intended, to sap the whole fabric of equal rights, because it consisted of little else than monopolies, either open and palpable, or in some flimsy disguise or other calculated to cheat the people into a quiet acquiescence.

The first was an oppressive tariff, a system of bounties in disguise, under the operation of which the consumers of domestic manufactures were obliged to pay from twenty-five to two hundred per cent. more for certain indispensable articles of consumption than he would have paid had things been suffered to take their natural course. The consumers of an article always constitute a much greater number of the people than the manufacturers, simply because one man can supply the wants of many. Hence this bounty was a device to tax the many for the benefit of the few. It operated exclusively in favour of the smaller class, and exclusively against the most numerous. It was, therefore, not only destructive of the principle of EQUAL RIGHTS, but it was a sacrifice of the rights of a great majority in behalf of a small minority.

The first act of General Jackson was to set his face against this anti-republican principle of protecting one class of labour at the expense of the others. He made use of his personal and political influence to bring down the rate of duties on importations to their proper standard, namely, the wants of the government, in which all were equally concerned; and that influence, aided by the good sense of the people, was on the point of being successful, when, by a juggle between Messrs. Clay and Calhoun, the measure was transferred to the Senate. That body passed a bill similar to one on the eve of passing the House of Representatives, which was sent to the latter as an amendment to their own bill, and adopted

with wonderful docility. The object of this most excellent legerdemain was to give to Messrs. Clay and Calhoun the credit of an adjustment of the tariff, which but for General Jackson would have remained a subject of heart burning and contention, in all probability to this day. By this notorious assumption Mr. Clay sought to gain credit for his disinterestedly sacrificing his friends on the altar of Union, while Mr. Calhoun was delighted with so capital an excuse for postponing his plan of nullification to a more favourable opportunity. It was a cunning manœuvre; but, cunning is not wisdom, any more than paper money is gold. Notwithstanding the absurd pretensions of these two gentlemen to the honour of adjusting the tariff, there is probably not a rational man in the United States who is not satisfied that the real pacificator was General Jackson, and that Mr. Clay only assented to what he could not prevent. He found the current going strongly against him, and was nothing more than honest King Log, floating with the tide.

This was General Jackson's first act of despotism. He interfered to relieve the many from those burthens which had been imposed on them for the benefit of the few; he restored, in this instance, the **EQUAL RIGHTS** of all, and for this he is denounced a despot and usurper.

When General Jackson came into office he found another system in operation, calculated not only to undermine and destroy the principles and independence of the people, but to trench upon the sacred republican doctrine of **EQUAL RIGHTS**. We allude to Mr. Clay's other grand lever by the aid of which he hoped to raise his heavy momentum to the height of his lofty ambition—his system of national internal improvement. Besides the constitutional difficulty arising from the necessary interference with state jurisdictions, there were other powerful objections to this system. It placed the whole

revenues of the people of the United States at the disposal of Congress, for purposes of political influence. It enabled ambitious politicians to buy up a township with a new bridge ; a district with a road, and a state with a canal. It gave to the General Government an irresistible power over the elections of the states, and constituted the very basis of consolidation. In addition to all this, it was a direct and palpable encroachment on the equal rights of the citizens. It was taxing one state for the exclusive benefit of another ; nay, it was diverting money contributed by one state to purposes injurious to the interests of that state. It was appropriating the funds contributed by New-York for the general benefit, to the Ohio and Chesapeake Canal, the successful completion of which it was boasted would be highly injurious to her own internal navigation. In short, it was a system of favouritism entirely destructive to EQUAL RIGHTS, inasmuch as it was entirely impossible that all should partake equally in its benefits, while all were taxed equally for its expenditures.

To test the firmness of the old patriot, the great champion of EQUAL RIGHTS, a bill was concocted by the combined ingenuity of the advocates of internal improvement, combining such powerful temptations, and appealing to so many sectional interests, that it was hoped General Jackson either would not dare to interpose his constitutional prerogative to arrest its passage, or that if he did, the consequences would be fatal to his popularity. But the old patriot was not to be frightened from his duty, and besides has a generous confidence in the intelligence and integrity of his fellow-citizens. He knows by glorious experience that the true way to the affections and confidence of a free and enlightened people, is to stand forth in defence of the EQUAL RIGHTS of all. He vetoed this great bribery bill and the people honoured his firmness,

and sustained him in the great effort he had made in their behalf. This is the ~~second~~ great usurpation of General Jackson, and the ~~second~~ great example of his despotism. He interposed to protect the people from a system which afforded a pretext for applying the means of the many to the purposes of the few, and furnished almost unbounded resources for corrupting the people with their own money.

We shall continue the history of the despotism of Andrew Jackson in our paper of to-morrow.

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### DESPOTISM OF ANDREW JACKSON.

[*From the Evening Post, May 23, 1834.*]

THE next text on which the Bank coalition have rung the changes of "tyranny," "despot," and "usurper," is the veto on Mr. Clay's bill for distributing the public lands among the respective states. The people should understand that these lands are their exclusive property. They contribute a general source of revenue common and equal to all. But the bill of Mr. Clay, no doubt for the purpose of raising the popularity of that permanent candidate for national honours in the west, established a distinction in favour of certain states, of either twelve or fifteen per cent.—we cannot just now be certain which—on the plea that a large portion of these lands were within their limits, although they were the property of the people of the United States.

General Jackson justly considered this preference of certain states over others as not only unconstitutional, but unjust, and for these and other cogent reasons, to which the coalition has never been able to fabricate an answer, declined to sanction the bill. Here, as in every other act of his administration, he stood forward the



champion of the **EQUAL RIGHTS** of the people, in opposing an unequal distribution of their common property. Yet for this, among other acts equally in defence or vindication of these rights it has been thundered forth to the people that he is a tyrant and usurper.

But it is in relation to his course with regard to the Bank of the United States, that he appears most emphatically as the champion of the Constitution and the **EQUAL RIGHTS** of the people. Fully aware of the great truth, that monopolies, whether of rank or privilege, whether possessed by virtue of hereditary descent or conferred by legislative folly or legislative corruption, were the most sly and dangerous enemies to equal rights ever devised by the cunning of avarice or the wiles of ambition, he saw in the vast accumulation of power in that institution, and its evident disposition to exercise, as well as perpetuate it, the elements of destruction to the freedom of the people and the independence of their government. He, therefore, with the spirit and firmness becoming his character and station as the ruler of a free people, determined to exercise his constitutional prerogative in arresting its usurpations, and preventing their being perpetuated.

The child, the champion, and the representative of the great democracy of the United States, he felt himself identified with their interests and feelings. He was one of themselves, and as such had long seen and felt the oppressions which a great concentrated money power, extending its influence, nay, its control, over the currency, and consequently the prosperity of the country throughout every nook and corner of the land, had inflicted or might inflict upon the people. He saw in the nature, and in the acts, of this enormous monopoly, an evident tendency, as well as intention, to subjugate the states and their government to its will; and like himself,

and in conformity with the whole tenor of his life, he resolved to risk his place, his popularity, his repose, in behalf of the EQUAL RIGHTS of the people.

He saw, moreover, as every true democrat must see, who interprets the Constitution upon its true principles, that the creation of a Bank with the privilege of establishing its branches in every state, without their consent, was not delegated by the states to the general government; and he saw that by one of the first declaratory amendments of the Constitution, that "*The powers not delegated to the United States by the Constitution, nor prohibited to it by the states, are reserved to the states respectively, or to the people.*"

But there is, unfortunately, a clause in the Constitution, which is somewhat of the consistency of India rubber, and by proper application can be stretched so as to unite the opposite extremes of irreconcilable contradictions. It is somewhat like the old gentleman's will in the Tale of a Tub, about which Lord Peter, Martin and Jack disputed so learnedly, and which at one time was a loaf of brown bread, at another a shoulder of mutton. It admits of a wonderful latitude of construction, and an ingenious man can find no great difficulty in interpreting it to suit his own particular interests. We allude to the following, which will be found among the enumeration of the powers of Congress:

"To make all laws which shall be *necessary and proper* for carrying into execution the foregoing powers, and all other powers vested in the government of the United States, or in any department or officer thereof."

The sticklers for state rights in the Convention which adopted the Constitution, and in the State Conventions to which it was referred for acceptance or rejection, did not much relish this saving clause. They imagined they saw in it a sort of Pandora's box, which, if once fairly

opened, would cast forth a legion of constructive powers and constructive usurpations. They thought they perceived in these two little words "NECESSARY AND PROPER," a degree of elasticity which might be expanded so as to comprehend almost any thing that a majority of Congress might choose to ascribe to them. They were, in our opinion, not much mistaken in their anticipations, although probably they scarcely dreamed that the constructive ingenuity of the times would find *that* to be indispensably "necessary" which the country was enabled for many years to dispense with, during which time it enjoyed a degree of prosperity which excited the envy and admiration of the world!

However this may be, the people of the United States will do well to bear in mind, when they hear General Jackson denounced as a tyrant and usurper for the course he has pursued in relation to the Bank, that this institution has no other legs in the Constitution to stand upon than those two little words "necessary and proper." If it is necessary and proper, then it *may* be re-chartered under the Constitution; but it has no right to demand a re-charter. If it is not necessary and proper, then it ought never to have been chartered, and ought not to be continued one moment longer than the faith of the nation is pledged.

As this is one of those points which rests on the nice interpretation of words, it naturally depends for its decision on the general bias of the two parties in the controversy. The party attached by habit, education, interests, or prejudice, to a consolidated or strong government, will interpret "necessary and proper" one way, and the party opposed to any accumulation of constructive powers in the federal government, will interpret them the other way. General Hamilton, for example, considered a Bank of the United States "necessary and proper,"

while Mr. Jefferson believed, and has repeatedly denounced it, to be the most dangerous infraction of the constitution ever attempted under the cloak of constructive power. Such has always been the opinion of the great leaders of the democracy of the United States, although some of them have yielded to the voice of a majority of Congress, mistaking it for that of the people.

We have premised thus much in order to show that the course pursued by General Jackson, in regard to the Bank of the United States, is in perfect consonance with the known principles of the democracy, the people of the United States. When the Democratic Party had the ascendancy, they took the first opportunity that offered to put an end to the first Bank of the United States, and now they avail themselves of a similar occasion to give a like demonstration of their settled principles and policy. General Jackson would not have been re-elected by the party, against all the corruptions of the Bank, combined with the whole force of all the disjointed, incongruous elements of opposition, *after* he had placed his *Veto* on its re-charter, had he not acted in this instance in strict conformity with the sentiments of a great majority of the democracy of the United States. Here as in every other act of his administration, they saw in him the great opponent of monopolies, the stern, inflexible champion of EQUAL RIGHTS.

With regard to the other alleged acts of despotism charged upon this true unwavering patriot, such as the removal of Mr. Duane from office, and the appointment of one of the very ablest and purest men of this country in his stead; the subsequent removal of the deposits from the Bank of the United States, and the protest against the *ex-parte* condemnation of the "Independent Aristocratic Body," more has already been said in his defence than such charges merited. We do not believe

the Senators making them believed one word they themselves uttered on the subject, because, though tainted to the core by personal antipathies and personal ambition, they are men of too clear intellect, seriously to cherish such ideas of the constitution as they have lately put forth to the people. These speeches and denunciations, like those on the subject of universal distress and bankruptcy, were merely made for effect. They certainly could not believe that what the constitution expressly delegates was intended to be withheld; that what was expressly conceded by the charter of the Bank of the United States was intended to be denied; or that the exercise of a privilege inherent in human nature, to wit, that of self-defence, was an outrage on the privileges of the Senate. Real honest error may sometimes be combated successfully by argument; but we know of no way of convincing a man who only affects to be in the wrong in order to deceive others, and shall therefore spare ourselves and our readers any further discussion with opponents who are not in earnest, but who have so high an opinion of the sagacity of the people, that they think they can make them believe what they do not believe themselves.

It will be perceived from this brief analysis of the leading measures of General Jackson's administration, that all his "tyranny" has consisted in successfully interposing the Constitution of the United States in defence of the EQUAL RIGHTS of the people; and that all his "usurpations" have been confined to checking those of the advocates of consolidation, disunion, monopolies, and lastly a great consolidated moneyed aristocracy, equally dangerous to liberty from the power it legally possesses, and those it has usurped. Yet this is the man whom the usurpers themselves denounce as a usurper. This is the man against whom the concentrated venom

of disappointed ambition and baffled avarice is vainly striving to contend in the heads and hearts of the American people, and to bury under a mass of wilful calumnies. This is the very man whose whole soul is wound up to the great and glorious task of restoring the EQUAL RIGHTS of his fellow-citizens, as they are guarantied by the letter and spirit of the constitution. May Providence send us a succession of such USURPERS as Andrew Jackson, and spare the people from such champions of liberty as Henry Clay, John C. Calhoun, Daniel Webster, George Poindexter, and Nicholas Biddle !

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[From the *Evening Post*, May 26, 1835.]

THE  
AMERICAN INDEMNITY BILL PASSED  
*By the French Chambers,*

PRINCIPAL AND INTEREST.

THE Bill of Indemnity is at length passed, principal, interest, and all, in exact compliance with the Treaty ; but accompanied with a condition, which, if it be any thing more than mere French gasconading, puts the prospect of restitution to this country for the outrages long since committed on our commerce further off than ever. The President of the United States, it will be seen, is required to make an apology to France for the terms of his last annual message, before we can be paid our just and too long deferred debt ! He is to offer a satisfactory explanation ! He is to refine away all that true republican grit which it seems made his communication to Congress too rough for the delicate nerves of Frenchmen. He is to emasculate his proposition of reprisals of all its virulity, and to go on his knees and beg pardon for daring to intimate that, if further insulted by France, again refusing

to perform her violated promise, it would become the duty of America to take the redress of her grievances into her own hands, and pay herself her admitted claim. This is the ground on which the French Government demands the explanation of the President of the United States, as the condition on which she will pay her too long deferred debt. If General Jackson complies with this condition, we have much mistaken the character and temper of that heroic man. And we have much mistaken the spirit of the American people if they would not cast him off from their affections for so doing, deeply fixed as he is in the hearts of his countrymen. The very proposition by France is an additional insult, and compliance with it would be degradation far greater, than would have been, a year ago, the total remission of the debt due from that country.

But there is not the slightest reason to apprehend that this insolent demand will in any degree be complied with. If the President makes any communication at all on the subject, it will be one which France may consider an apology or explanation, if she pleases, but which will receive a very contrary interpretation from all the rest of the world. The truth is no explanation is expected. The whole proposition is a mere last ineffectual splutter to turn attention from the sorry attitude in which the French Government has placed itself by its bad faith, and by lending a too credulous ear to the representations of M. Serrurier and others, that the United States might be fobbed off, from time to time, as long as it suited the pleasure of France to temporise. The energetic message of General Jackson rudely awakened that Government from its delusion. They suddenly found that they were dealing with an Administration which would "ask nothing that was not clearly right, and submit to nothing that was wrong." They saw that this Administration

possessed the unbounded confidence of a vast majority of the American people, and that its noble rule of action in its foreign relations met with their cordial approval. They saw that there was a fixed determination on the part of this Government and this people to obtain our just and acknowledged debt from France, "peaceably if we could, forcibly if we must." Seeing this, the tone of France was at once wonderfully lowered, and the silly measures of bravado that Government has adopted to hide its real sentiments and motives of action do but add to the ludicrousness of the unfortunate posture in which it has placed itself. The United States will get the indemnity, principal and interest in full, according to the Treaty negotiated by Mr. Rives; and France will get no apology—nothing bearing even such a remote resemblance to one, that it can be palmed off upon the world as such by all the vaunting and gasconading of sputtering Frenchmen. To such luckless straits a nation is reduced that has not sense enough of right to redeem its faith, nor might enough to maintain its perfidy.

The Bill of Indemnity it will be seen was passed by a vote of 289 to 137.

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### CORPORATION PROPERTY.

[*From the Evening Post, June 3, 1835.*]

THE property belonging to the corporation of this city is estimated, in the Message of the Mayor which we had the pleasure of presenting to our readers a few days since, at ten millions of dollars. Of the property which is valued at this sum, a very small portion is actually required for the purposes of government. A large part of it consists of town lots, wholly unproductive. Another part consists of lots and tenements leased or rented for a



trifling consideration. That part which is in the actual occupancy of the corporate authorities for public uses, is comparatively small, and smaller still that part which is actually needed in the exercise of the legitimate functions of the government.

That our municipal government should possess no property, except what is really required for the performance of its duties, seems to us so plain a proposition as scarcely to require an argument to support it. We elect our city authorities from year to year to supervise the affairs of the body politic, pass needful municipal regulations, enforce existing laws, and attend, generally, to the preservation of public order. Adequately to fulfil these trusts, a building set apart for the meetings of the city authorities is necessary. A place of detention for the city criminals is necessary, and, under the present system, a place for the city paupers. These, and a few other buildings, occupying grounds of a suitable location and extent, constitute all the real estate required for the due administration of the functions of our municipal government. If our authorities, then, purchase more property than this, they either waste the money of their constituents, or buying it on credit, or paying for it with borrowed funds, they waste the money of posterity.

The government of our city is nothing more nor less than a certain number of persons chosen from year to year, by the suffrages of a majority of the citizens, to attend to those affairs which belong to all in common, or, in other words, the affairs of the community. They represent the aggregate will of the existing community in relation to those affairs; and their functions, by the very tenure of their offices, are confined within the circle of the year. It is plain, then, viewing the subject on principles of abstract right, that a government so constituted, ought do nothing which would not be approved by those from

whom it derives its powers. The accumulation of unnecessary property, to the amount of millions of dollars, can never have been intended by any considerable number of voters of this city, as a duty which the city government ought to perform; and having accumulated it, to retain it seems equally averse to the plainest principles of sound policy and right.

To whom does this property belong? Not to the authorities of the city, surely, but to the citizens themselves—to those who chose those authorities to manage their affairs. If it belongs to them, and government is not a permanent existence separate from the will of the people, but the mere breath of their nostrils, their mere representative, renewed at their pleasure from year to year, it must be obvious that there can be no good reason for having that property retained in the possession of the government. It would be much better in the possession of the people themselves, since every body knows that as a general and almost invariable rule, men attend to their private affairs much better than agents attend to their delegated trusts.

Let no reader be startled at the idea we have here put forth, and suppose he sees in it the ghost of agrarianism,—that bugbear which has been conjured with for ages to frighten grown-up children from asserting the dictates of common sense in relation to the affairs of government. We have no agrarian scheme in contemplation. We are not about to propose a division of public property, either according to the ratio of taxation, or equally by the poll list, or in any other objectionable mode. But our citizens are every year called upon to pay taxes. The last legislature passed a law authorizing our corporate authorities to levy a tax greatly increased since last year. We have also our public debt, for which the property of our *posterity* is pledged, and this debt was lately

swelled one million of dollars by money borrowed to be paid in 1860. Now it strikes us as somewhat unreasonable to call upon the citizens to pay taxes to defray the current expenses of the government, and to saddle posterity with an enormous debt, when the unnecessary and disposable public property now in the hands of our municipal government would wipe off the whole amount of the debt which was contracted on the credit of posterity, and defray the current expenses of the city besides for several years to come.

We would by no means dispose of our City Hall, or our Park, or our Battery, any more than we would dispose of Broadway or the Bowery. These are for the public use, for their present, daily, and hourly use, in various respects. But in the public property which the Mayor estimates at an aggregate of ten millions of dollars there will be found much which is not necessary for the purposes of Government or the health and convenience of the people. All such we would sell, and apply the proceeds to the liquidation of the public debt, and to the payment of those expenses for which taxes are now assessed. Let not the argument be used that this property will be far more valuable in a few years, and may then be disposed of to much greater advantage. If we admit the validity of this argument, it is one which may be urged to postpone the sale for half a century, and of what benefit would be the augmented amount, fifty years hence, to the present people, to whom the property in truth belongs? Society is daily, hourly, momentarily, changing its constituent individuals. The particles which compose the stream of life are continually passing away, to be succeeded by other particles, and the transition of these human atoms is nowhere so rapid as in the whirlpool of a great city. Many of those whose votes elevated the present municipal officers to their places,

will never cast a suffrage again—some have gone to other states, some to distant lands, some to that bourne from whence no traveller returns. But others will push into their places. The social tide will still rush on. The young man will pass his probationary period and acquire the rights of citizenship; foreigners will be adopted; brethren from other portions of the confederacy will take up their abode among us. No matter, therefore, how rapidly increasing in value any portion of this surperfluous public property may be, we who own it now and who next year may own it no longer, have a right to demand that it should be disposed of for our benefit, and to liquidate those debts which we have no right to leave for posterity to pay.

But we deny that there is any validity in this argument founded on the conjectural or probable rise of price. If the property improves in price, we ask whether is it better that the increase should be in the hands of the government or of individual citizens? Should the government continue to hold this property for years, through its annual successions, it is at last to be appropriated to some public purpose. If the property had been disposed of, its increased value would necessarily have been in the hands of citizens, whose capacity would in the same measure have been increased to contribute to the public expenses. The property of the citizens is at all times abundantly able to sustain any legitimate expenses of government, and all property, not required for such purposes, should remain in the people's own hands.

There is one species of public property to which we have not adverted in this article, because it does not probably enter into the Mayor's estimate, but which we could well wish were also disposed of by the public authorities, and suffered to go into the hands of private citizens. We allude to the wharves, piers and public

docks, with the exception of the slips at the end of streets. Those in our view ought to be as free as the streets themselves, and the rest ought to be left in private hands. We cannot undertake to argue this subject to-day ; but let those who are disposed to differ from us, reflect that we only propose to put the wharves on the same footing with houses and stores, and that the same competition, the same laws of supply and demand, which regulate the rent of the one description of property, would equally regulate the wharfage of the other.

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### APOLOGY TO FRANCE.

[*From the Evening Post, June 16, 1835.*]

WE copy with exceeding pleasure the following patriotic remarks on the French question from the *Pennsylvanian*. They are of a similar tenor with those which we copied on Saturday from the *Gloucester Democrat*. It gives us great satisfaction to perceive that the sound democratic journals throughout the country are taking, as with one mind, the true *American* view of this subject. For our own part we say, **MILLIONS FOR DEFENCE, BUT NOT ONE WORD IN EXPLANATION.**

If Mr. Livingston, as we do not doubt, left instructions with Mr. Barton, the American *Chargé d' Affaires* in Paris, to follow him immediately to the United States, in the event of the bill of indemnity being passed by the Chamber of Peers as sent to that branch of the French legislature by the other Chamber, he acted, in our view, as became the representative of this Government, and established an additional claim to the respect of his countrymen. We do not see how, among men who have a sincere regard for the honour and dignity of their country, there can be any difference of opinion as to the ques-

tion of the demanded explanation. If the bill should finally become a law, the very demand is an insult to us, of a far more aggravated character than the pecuniary wrong of which we before complained. We before demanded payment of a debt withheld from us by a simple refusal to perform a treaty. The payment was then withheld on the ground that the legislative branch of the French Government did not consider the amount claimed to be due, and maintained that the treaty was not binding until it should have received their sanction. But by the present law the amount claimed is acknowledged to be due to us ; yet compliance with the treaty is positively forbidden unless the American Government shall in the first place make satisfactory explanations to heal the wounded honour of France. To state this in equivalent but briefer phrase, France refuses to pay us our debt, unless we in the first place beg her pardon for having dared to demand it.

It does not affect the question in the slightest degree, according to our judgment, to say that this explanation is a mere matter of form which two diplomatic agents may arrange in a friendly interview, and without the slightest difficulty. If it is reduced to a mere form, it is still a form degrading to us. If the explanation shall be acknowledged to lie in the bow with which the representative of the American Government salutes the French Minister on entering his apartment, or in his shake of the hand ; if it is recognised in any act, word, or look, it is a compliance nevertheless with an insolent law—it is losing sight of our own honour to appease the wounded pride of vain-glorious France. Never be it said in our history, that to obtain the paltry sum of five millions of dollars, we consented to any stipulations inconsistent with the dignity of a nation of freemen.

We have seen with lively regret, that some papers

which profess to be democratic, take a contrary view of this subject, and urge the propriety of some explanation being made by the President to soothe the ruffled feelings of France, or in other words to coax the Frenchmen into good humour. The Albany Argus, followed as usual by its "gentle echo," but in fainter sounds of response than heretofore, seems to think that General Jackson might comply with the demand of France, by assuring her, either by the repetition of a passage of his last Message, or by words of equivalent import, that no threat or menace was intended. It would be the first instance in our national experience of the Chief Magistrate of this great country having complied with the demand of a foreign Government to make any explanation of any message, which, in his Executive capacity, he had seen proper to communicate to a co-ordinate branch of the federal Government. We fear it would not be the last. We fear we should be doomed to hear many iterations of the same insulting demand. "What do you mean by this, sir?" and "What do you mean by that, sir?" would be interrogatories to which, under the penalty of war, the President of the United States would have to stand ever ready to answer. To avoid such a disagreeable liability, instead of free, ingenuous, and unreserved communications from the head of our Government to the national legislature, in which all subjects of general interest are frankly and fully discussed, and the opinions of the Chief Magistrate candidly stated, we should soon see short, vague, unsatisfactory addresses, like those of the King of England to Parliament, in which the few words that are employed seem used rather to conceal than express the writer's meaning.

We may be wrong in the view we take of this subject, and if we are, we are very wrong, since it seems to us the question does not admit of doubt. It seems to us that

France has no right to ask, much less demand, an explanation of the message, since it is a mere expression of the views of one branch of the Government to another, and not an act or expression of the Government at all. It seems to us that she has no need of an explanation, since the message, so far from being obscure, was so plain that he who runs might read it, and was as decorous and temperate, in all that related to France, as any document which ever recounted the wrongs which one nation had experienced from another, or proposed any mode of final redress. If we consider the case as between individuals under analogous circumstances, we shall clearly see the gross impropriety of yielding submission to the law of France, and entering into degrading explanations, in order that it may please his High Mightiness, the King of the French, to pay his debts. Let our readers suppose that a subscriber of this journal had put off our collector for twenty years by various excuses and evasions; that he had then entered into a solemn covenant to pay us our money by a given time; had subsequently violated that obligation, and after several additional delays, again agreed to pay it, but only on condition that we should first appease his wounded honour by making a satisfactory explanation—let our readers suppose such a case, and each answer for himself what ought to be our reply. To make the case more analogous, it should be supposed that the debt, in this instance, had not been incurred by the mere accumulation of subscription dues, but had been created originally by a forcible entry into our office, and a wanton destruction or seizure of our property.

With the Pennsylvanian, we entertain the utmost confidence that the President of the United States will act in the matter now about to come before him in the same spirit of lofty patriotism and independence which has distinguished him all his life long, and most conspicu-



ously and gloriously in his illustrious administration of the American Government. We entertain no single misgiving of fear that he will ever do an act to sully the bright page which he has written in our country's history. Age has not chilled his spirit, nor abated one jot the ardour of his patriotism. The honour of this people in his hands is safe, and will not be surrendered to the audacious demand of France.

We have hopes, we confess, that the French Government will before this have come to their senses, and expunged the insolent condition from their law. Should it be otherwise, however, much as we should regret hostile measures on many accounts, there are paramount reasons why we should desire to see them promptly resorted to. For our own part, we could wish that war, immediate war, might be the alternative. We trust that we have not been vainly boasting all this while, that while we would ask nothing not clearly right, *we would submit to nothing that is wrong*. We trust there is spirit enough in the country yet to maintain our character, at whatever expense of treasure or of blood. Our fathers went to war for a three-penny tax on tea. Their sons have suffered a worse wrong. They have been smitten on the right cheek : will they turn the left also ?

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### OUT OF DEBT.

[*From the Evening Post, June 20, 1835.*]

It is the peculiar boast of the people of the United States that the nation is now out of debt. We hear it repeated every day with an exultation which would be just, if the boast were true. But as it is not true, it may be worth while to apprise our fellow-citizens of the real state of the case. The *People* of the United States are

not out of debt, and never will be, while the present system of banking and borrowing continues to subsist.

The General Government it is certain owes nothing. Thanks to the policy of General Jackson, it has redeemed all its obligations. But what shall we say of the States individually? Are they out of debt? On the contrary, are they not, almost without exception, every day plunging deeper and deeper into the bottomless pit of unredeemed and irredeemable obligation? Some are borrowing millions for public improvements; others pledging the credit of the States, or in other words the property of the citizens, for millions; and others are becoming subscribers to banks, and canals, and railroads, to the amount of millions more. Under this system, the individual States at this moment owe more money than did the United States, at the close of either of the wars of Independence. Yet we boast of being out of debt!

Who pay the piper for all this political and speculating dancing? Who pay the interest by the sweat of their brow, and who must pay the principal, by the sweat of their brow, or transmit the everlasting burden from the backs of one generation to another? The same people who boast of being out of debt. What difference, we would ask, is there between the debts we owe as citizens of the United States and citizens of a State? Must we not equally labour and sweat under their weight? Must we not pay them at once, or we and our posterity pay them ten times over in interest? Unquestionably. Yet for all this, faster, ten times faster, are the legislatures of the states plunging the people over head and ears in debt, than the Federal Government is relieving them from their burdens. There is not a legislative session held in any state of the Union in which some new debt is not contracted, some new weight laid on the backs of the people and their posterity. The latter unhappily can

say nothing against all this ; but we will tell the former, that if they do not say something to the purpose, and say it soon, never poor ass, not even the ass of all asses, old England, was so laden with wealth, the burden of which he bears without sharing in the spoils, as will be the labouring classes of this country. Instead of leaving freedom and competency to their posterity, they will leave them nothing but their debts to pay, and receive in return nothing but curses.

But the debts created by loans for public improvements and pledges of state credit, are not the only blessings to be conferred on posterity. There are in the United States upwards of six hundred Banks at this moment with an issue of paper probably amounting to two hundred millions of paper money. Who pays the piper for this mode of dancing ? Who pays the expenses of banking houses, salaries of officers and other contingencies ? Who paid a million and a half for the marble palace in which the great paper Mammon is worshipped in Philadelphia ? And who will be obliged to pay all these through all time to come, so long as they exist and crush us to the earth ? The people ; the labouring classes of the United States, and their foredoomed posterity.

Let us go on. Who has paid the penalty of all the millions which the failure of hundreds of paper banks left unredeemed ? The people ; the labouring classes of these United States. And who is now actually responsible for the two hundred millions of paper money now circulating in every house, and from hand to hand in every nook and corner of the land ? Out of whose pockets, out of the sweat of whose brow, come the dividends of these banks ; and whence will be derived the means of redeeming these two hundred millions, if they are ever redeemed ? From the pockets of the people ; from the sweat of the labouring classes. And who will pay both

interest and principal of these enormous issues of paper money, resting on paper promises? We answer again, the labouring classes of the United States. If this paper is ever redeemed it must be by the profits of these institutions squeezed out of the People; and if it is not, the same People must pay the penalty, by losing the whole amount in circulation. It will die on their hands.

Thus it will be seen, as clear as the light of day, that these two hundred millions of paper money operate as actual debts on the People of the United States. *They* pay the interest, and *they* must redeem the principal, if it is ever redeemed. Happy people! to be so out of debt, and thrice happy posterity to inherit so many blessings!

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EDWARD LIVINGSTON.

[*From the Evening Post, June 23, 1835.*]

THE Constitution has at length arrived. We bid Mr. LIVINGSTON welcome back to that country, whose honour he has shown himself so ready and so able to maintain abroad. The attention of this community has been earnestly fixed upon Mr. Livingston through the whole course of the difficult and unpleasant controversy with France; and the regard before entertained for him, as a worthy son of New-York, as a man whose distinguished talents had always been exerted to advance the great principles of democratic government, and whose whole life indeed had been passed in the discharge of various important public trusts, has been increased and strengthened by the firm yet moderate, and dignified yet conciliatory manner in which he has conducted himself through the responsible and delicate circumstances in which he has been placed.

Mr. Livingston seems truly to have adopted, as his rule of action, the noble sentiment of General Jackson, to ask nothing that is not clearly right, and submit to nothing that is wrong. He seems to have borne constantly in mind, too, that he was the representative of his country, and to have merged, on more than one irritating occasion, the feelings of the man in those which were proper to the nation. We have hence beheld him acting with the most temperate and lofty forbearance, in circumstances which were calculated to stir ordinary minds to violence, and by which there are few men, even of deliberate judgment, who would not have been urged into some hasty measure or expression of asperity. But Mr. Livingston kept his eyes steadily fixed on the real interest and dignity of his country, determined not to sacrifice, under the influence of any private motive, or by yielding to any natural suggestion of personal resentment, the slightest portion of that weight which the American cause possesses, as well by the moderation and calmness with which it has been urged through every stage of the protracted negotiation, as by the intrinsic justice of the original claim.

We are sure that we but speak the universal sentiment of the democracy of this community and of the country, when we express the warmest approbation of the course pursued by Mr. Livingston, while the minister of the American Government in France. He may rest assured that his countrymen have fully appreciated the embarrassing circumstances in which he has been placed; that they have keenly felt the sarcasms and contumelious expressions which were aimed at him; and have admired the equanimity with which he withstood the petty malice of gasconading assailants, whose dearest object would have been achieved, could they have disturbed that evenness and dignity which made their own vehe-

menace and bravado so contemptible in the sight of nations.

That the sentiments we have here expressed are entertained by the democracy of this metropolis we have good reason to know, and suitable measures were already on foot, before the Constitution arrived, to testify to Mr. Livingston, in an unequivocal manner, the respect and entire approbation which his conduct abroad has created. New-York, though the commercial centre of this great empire, and having consequently a deep stake in the preservation of amity with foreign nations, will be prompt to support the administration in any step proper to assert the honour of the country. New-York insists upon a strict, unconditional fulfilment of the French treaty, at all hazards, and will never consent that the Republic shall be degraded, through its Chief Magistrate, by yielding any explanations in compliance with the insolent demand of France.

The elevated and firm, yet calm and assuasive conduct of Mr. Livingston at the French Court, with whatever satisfaction it has been viewed by our fellow-citizens, yet adds but one claim to the many he before possessed on their liveliest regard. A native of the Empire State; a man whose talents, from an early period of his life for a long series of years, were constantly exerted to promote the best interest of this community; who has served it, and served it faithfully, in various official capacities; who has presided over this metropolis as its chief magistrate, and represented it in Congress: such a man, returning to his birth-place from a foreign mission, which has been embarrassed with unusual difficulties, and conducted with unusual ability and dignity, has an irresistible title to the most cordial reception.

The names of few men are recorded in our history whose lives have been of more real service to the re-

public than that of Mr. Livingston. Identified from his youth upward with the party which professes the political principles of Jefferson, the whole tenor of his public conduct has been to illustrate and advance those principles. Early selected to represent this city in Congress, he was one of the sturdiest and ablest advocates of the doctrine of democratic equality, at a time when the opposite opinions were upheld by the most formidable array of talent which has ever contended, in this country, under the banner of aristocracy. The learning of Mr. Livingston, the force of his eloquence, and the comprehensive reach and unanswerable cogency of his writings, did much to accomplish the ultimate triumph of democratic principles, a result so auspicious to the cause of equal freedom. His patriotic efforts did not stop here ; but in the legislature of his adopted state, and in the celebrated " Code," for which she is indebted to the vast erudition, vigorous intellect, sound judgment, and fervent patriotism of that distinguished man, he still exerted all his powers to promote the happiness of his countrymen and erect a strong foundation for their rights. In consonance with his whole career has been the course of Mr. Livingston as the diplomatic representative of his Government in France. After experiencing the contumelies of insolent Frenchmen for calmly but strenuously asserting the rights and honour of his country, he is once more among us, on that soil where he drew his first breath, and among that people for whom he exerted his earliest efforts. It is for his countrymen to say what shall be his reception.

## THE O'CONNELL GUARDS.

[From the *Evening Post*, June 25, 1835.]

THE incendiary papers continue their efforts to inflame the minds of such native citizens as they can influence against our citizens of Irish birth :

“THE O'CONNELL GUARDS.—No greater insult was ever offered the American People than the arrangements now being made for raising in this city an *Irish* regiment to be called the ‘*O'Connell Guards*.’ Such a corps would soon attempt to enforce with the bayonet what too many of the misguided and ignorant of the foreign voters already boast of—the complete subjection of the *Native* citizens to their dictation. We know Governor Marcy too well to believe it possible that he will sanction such an outrage upon society, notwithstanding its being got up under the auspices of that *creature* CAMBRELENG and his associates ; and trust this infamous proceeding is destined to recoil upon the unprincipled Party which originated it.”

The first observation we have to make is to repeat, in the most earnest manner, the hope we have heretofore expressed that our fellow-citizens of Irish birth will continue to exhibit, in the trying circumstances in which they are placed, that moderation and forbearance which distinguished their conduct when they were made the object of mob assaults in the spring of 1834, and which has no less distinguished them in the recent disorders. Could they be excited, by the inflammatory paragraphs of those prints which are endeavouring to array the com-



munity against them, to commit any act of violence—to become the aggressors in any tumultuary movement—a leading object of their unprincipled opponents would be accomplished ; and that single retaliatory act would be used against them with all the zeal and industry of the most bitter political hatred. Should they continue, on the other hand, to rely upon the civil authorities for protection in their rights, the inflammatory arts of their opponents must react upon themselves. It is not possible that any considerable number of citizens can long be misled by the wicked efforts of those unprincipled newspapers which, by the most unfounded calumnies, and the most inflammatory appeals to the worst passions of their readers, have provoked this temporary ebullition of popular feeling against the Irish.

With regard to the pretended “insult offered to the American people” in the proposition to raise a regiment under the title of the O’Connell Guards, let any American citizen, of whatever lineage, examine the subject dispassionately for a moment, and he will plainly see that the only insult offered to the community lies in the conduct of the prints which have opposed the formation of this regiment, not in that of the authors of the undertaking. Our institutions must be frail or rotten indeed, if they stand in any danger from a militia regiment composed of citizens, no matter from what country they may have sprung. A truly intelligent mind can entertain no apprehensions of any undue or untoward influence being exercised in this country by those who have come among us from foreign nations. Emigrants from every quarter of the globe, landing upon our shores, are assimilated by the principles of liberty, and form a part of one harmonious people, all equally interested in the preservation of those institutions, which, like the dews of heaven, shed equal benefits upon all. If it is a quality inherent

in the very nature of a free government thus to incline all hearts in its favour, with what double cordiality and devotedness must the Irish emigrant feel enlisted in its support, with whom a love for liberty has been the main principle of action from the cradle, and to escape from political oppression his sole motive in abandoning the land of his birth, and making this the land of his adoption. The bayonets of Irish citizens will never be raised against the breasts of native Americans, unless, indeed, political fanaticism and persecution—shall have recourse to arms to effect their unhallowed purposes, and render an armed defence necessary.

It will be well for our citizens, when they read the articles intended to excite in their minds feelings of jealousy and unkindness towards the Irish, to remember that there is no portion of our society more devotedly attached to the principles of human liberty than those against whom it is now sought to direct popular hostility. Indeed, the true and only motive of these attempts lies in this very circumstance. Had a majority of the Irish citizens supported the United States Bank in its audacious war upon the Government and the rights of the people, the minions of the Bank, the purchased slaves who conduct the *Courier* and the *Star*, would never have sought to stir up the popular enmity against them, and make them the victims of riot and violence.

That Mr. Cambreleng has had any thing to do, directly or indirectly, with the proposed regiment of O'Connell Guards, is wholly untrue — a malicious fabrication of a print destitute of the principle of truth and of every sentiment of honour. If it were otherwise, however, we do not know that he would be particularly obnoxious to censure; for we have not forgotten that a regiment of Irish citizens, under the title of "the Irish Greens," long existed in this city, were noted for the excellence of their dis-

cipline, and the propriety of their conduct, and when the war with Great Britain broke out, volunteered their services to go upon the frontier, and demeaned themselves with the most distinguished gallantry, and the most ardent devotion to the best interests of their adopted country.









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